

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 516

1 AN ACT

2 To repeal sections 1.020, 28.160, 41.950, 49.292,
3 50.333, 66.010, 70.320, 105.711, 105.955, 191.225,
4 191.227, 191.656, 195.202, 211.322, 302.341, 347.137,
5 347.179, 351.015, 351.047, 351.120, 351.125, 351.127,
6 351.145, 351.155, 351.459, 351.484, 351.592, 351.594,
7 351.598, 351.602, 351.690, 355.016, 355.021, 355.066,
8 355.071, 355.151, 355.176, 355.688, 355.706, 355.796,
9 355.806, 355.811, 355.821, 355.856, 356.211, 402.205,
10 402.210, 402.215, 402.217, 417.011, 417.016, 417.046,
11 427.225, 431.056, 452.440, 452.445, 452.450, 452.455,
12 452.460, 452.465, 452.470, 452.475, 452.480, 452.485,
13 452.490, 452.495, 452.500, 452.505, 452.510, 452.515,
14 452.520, 452.525, 452.530, 452.535, 452.540, 452.545,
15 452.550, 455.010, 456.5-501, 477.005, 477.600, 478.463,
16 478.466, 478.513, 479.010, 479.011, 483.260, 484.020,
17 486.215, 486.225, 486.230, 486.280, 486.385, 487.020,
18 488.014, 488.2253, 494.425, 494.430, 510.120, 516.140,
19 517.041, 527.270, 535.030, 535.040, 556.036, 559.600,
20 565.072, 568.045, 595.030, 595.036, and 595.209, RSMo,
21 and to enact in lieu thereof one hundred fifty-nine new
22 sections relating to judicial procedures and personnel,
23 with penalty provisions.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
25 AS FOLLOWS:

26 Section A. Sections 1.020, 28.160, 41.950, 49.292, 50.333,
27 66.010, 70.320, 105.711, 105.955, 191.225, 191.227, 191.656,
28 195.202, 211.322, 302.341, 347.137, 347.179, 351.015, 351.047,
29 351.120, 351.125, 351.127, 351.145, 351.155, 351.459, 351.484,
30 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021,
31 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796,

1 355.806, 355.811, 355.821, 355.856, 356.211, 402.205, 402.210,
2 402.215, 402.217, 417.011, 417.016, 417.046, 427.225, 431.056,
3 452.440, 452.445, 452.450, 452.455., 452.460, 452.465, 452.470,
4 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505,
5 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540,
6 452.545, 452.550, 455.010, 456.5-501, 477.005, 477.600, 478.463,
7 478.466, 478.513, 479.010, 479.011, 483.260, 484.020, 486.215,
8 486.225, 486.230, 486.280, 486.385, 487.020, 488.014, 488.2253,
9 494.425, 494.430, 510.120, 516.140, 517.041, 527.270, 535.030,
10 535.040, 556.036, 559.600, 565.072, 568.045, 595.030, 595.036,
11 and 595.209, RSMo, are repealed and one hundred fifty-nine new
12 sections enacted in lieu thereof, to be known as sections 1.020,
13 28.160, 41.950, 49.292, 50.333, 66.010, 105.711, 105.955,
14 191.225, 191.227, 191.656, 195.202, 210.854, 302.341, 347.137,
15 347.179, 351.015, 351.047, 351.120, 351.122, 351.125, 351.127,
16 351.145, 351.155, 351.459, 351.484, 351.592, 351.594, 351.598,
17 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151,
18 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821,
19 355.856, 355.857, 356.211, 402.205, 402.210, 402.215, 402.217,
20 407.309, 407.485, 417.011, 417.016, 417.046, 417.049, 427.225,
21 431.056, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725,
22 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755,
23 452.760, 452.762, 452.765, 452.770, 452.775, 452.780, 452.782,
24 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815,
25 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850,
26 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885,
27 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920,
28 452.925, 452.930, 455.003, 455.010, 455.038, 456.5-501, 477.005,

1 477.600, 478.463, 478.466, 478.513, 479.010, 479.011, 484.020,
2 484.280, 486.215, 486.225, 486.230, 486.280, 486.385, 487.020,
3 488.014, 488.2253, 494.425, 494.430, 510.120, 516.140, 517.041,
4 527.270, 535.025, 535.030, 535.040, 556.036, 559.600, 565.072,
5 566.150, 566.224, 566.226, 568.045, 589.660, 589.663, 589.666,
6 589.669, 589.672, 589.675, 589.678, 589.681, 589.683, 595.030,
7 595.036, 595.209, 1, and 2, to read as follows:

8 1.020. As used in the statutory laws of this state, unless
9 otherwise specially provided or unless plainly repugnant to the
10 intent of the legislature or to the context thereof:

11 (1) "Certified mail" or "certified mail with return receipt
12 requested", includes any parcel or letter carried by an
13 overnight, express, or ground delivery service that allows a
14 sender or recipient to electronically track its location;

15 (2) "County or circuit attorney" means prosecuting
16 attorney;

17 [(2)] (3) "Executor" includes administrator where the
18 subject matter applies to an administrator;

19 [(3)] (4) "General election" means the election required to
20 be held on the Tuesday succeeding the first Monday of November,
21 biennially;

22 [(4)] (5) "Guardian", if used in a section in a context
23 relating to property rights or obligations, means "conservator of
24 the estate" as defined in chapter 475, RSMo. "Guardianship", if
25 used in a section in a context relating to rights and obligations
26 other than property rights or obligations, means "guardian of the
27 person" as defined in chapter 475, RSMo;

28 [(5)] (6) "Handicap" means a mental or physical impairment

1 that substantially limits one or more major life activities,
2 whether the impairment is congenital or acquired by accident,
3 injury, or disease, and where the impairment is verified by
4 medical findings;

5 [(6)] (7) "Heretofore" means any time previous to the day
6 when the statute containing it takes effect; and "hereafter"
7 means the time after the statute containing it takes effect;

8 [(7)] (8) "In vacation" includes any adjournment of court
9 for more than one day whenever any act is authorized to be done
10 by or any power given to a court, or judge thereof in vacation,
11 or whenever any act is authorized to be done by or any power
12 given to a clerk of any court in vacation;

13 [(8)] (9) "Incompetent", if used in a section in a context
14 relating to actual occupational ability without reference to a
15 court adjudication of incompetency, means the actual ability of a
16 person to perform in that occupation. "Incompetent", if used in
17 a section in a context relating to the property rights and
18 obligations of a person, means a "disabled person" as defined in
19 chapter 475, RSMo. "Incompetent", if used in a section in a
20 context relating to the rights and obligations of a person other
21 than property rights and obligations, means an "incapacitated
22 person" as defined in chapter 475, RSMo;

23 [(9)] (10) "Justice of the county court" means commissioner
24 of the county commission;

25 [(10)] (11) "Month" and "year". "Month" means a calendar
26 month, and "year" means a calendar year unless otherwise
27 expressed, and is equivalent to the words "year of our Lord";

28 [(11)] (12) The word "person" may extend and be applied to

bodies politic and corporate, and to partnerships and other unincorporated associations;

[(12)] (13) "Personal property" includes money, goods, chattels, things in action and evidences of debt;

[(13)] (14) "Place of residence" means the place where the family of any person permanently resides in this state, and the place where any person having no family generally lodges;

[(14)] (15) "Preceding" and "following", when used by way of reference to any section of the statutes, mean the section next preceding or next following that in which the reference is made, unless some other section is expressly designated in the reference;

[(15)] (16) "Property" includes real and personal property;

[(16)] (17) "Real property" or "premises" or "real estate" or "lands" is coextensive with lands, tenements and hereditaments;

[(17)] (18) "State", when applied to any of the United States, includes the District of Columbia and the territories, and the words "United States" includes such district and territories;

[(18)] (19) "Under legal disability" includes persons within the age of minority or of unsound mind or imprisoned;

[(19)] (20) "Ward", if used in a section in a context relating to the property rights and obligations of a person, means a "protectee" as defined in chapter 475, RSMo. "Ward", if used in a section in a context relating to the rights and obligations of a person other than property rights and obligations, means a "ward" as defined in chapter 475, RSMo;

1 [(20)] (21) "Will" includes the words "testament" and
2 "codicil";

3 [(21)] (22) "Written" and "in writing" and "writing word
4 for word" includes printing, lithographing, or other mode of
5 representing words and letters, but in all cases where the
6 signature of any person is required, the proper handwriting of
7 the person, or his mark, is intended.

8 28.160. 1. The state shall be entitled to fees for
9 services to be rendered by the secretary of state as follows:

10 For issuing commission to notary public \$15.00

11 For countersigning and sealing certificates of
12 official character 10.00

13 For all other certificates 5.00

14 For copying archive and state library records,
15 papers or documents, for each page 8 ½ x 14
16 inches and smaller, not to exceed the actual
17 cost of document search and duplication

18 For duplicating microfilm, for each roll, not to
19 exceed the actual cost of staff time required
20 for searches and duplication

21 For copying all other records, papers or documents,
22 for each page 8 ½ x 14 inches and smaller, not
23 to exceed the actual cost of document search
24 and duplication

25 For certifying copies of records and papers or documents 5.00

26 For causing service of process to be made 10.00

27 For electronic telephone transmittal, per page 2.00

28 2. There is hereby established the "Secretary of State's

Technology Trust Fund Account" which shall be administered by the state treasurer. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the secretary of state's technology trust fund account shall be credited by the state treasurer to the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in excess of five million dollars shall be transferred to general revenue.

3. The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account.

4. The secretary of state may ask the general assembly to appropriate funds from the technology trust fund for the purposes of establishing, procuring, developing, modernizing and maintaining:

(1) An electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state;

(2) Library services offered to the citizens of this state;

(3) Administrative rules services, equipment and functions;

(4) Services, equipment and functions relating to securities;

(5) Services, equipment and functions relating to

1 corporations and business organizations;

2 (6) Services, equipment and functions relating to the
3 Uniform Commercial Code;

4 (7) Services, equipment and functions relating to archives;

5 (8) Services, equipment and functions relating to record
6 services; and

7 (9) Services, equipment and functions relating to state and
8 local elections.

9 5. Notwithstanding any provision of this section to the
10 contrary, the secretary of state shall not collect fees, for
11 processing apostilles, certifications and authentications prior
12 to the placement of a child for adoption, in excess of one
13 hundred dollars per child per adoption, or per multiple children
14 to be adopted at the same time.

15 6. The secretary of state may promulgate rules to establish
16 fees to be charged and collected for special handling in
17 connection with filing documents, issuing certificates, and other
18 services performed by the office, including expedited filing.
19 Any rule or portion of a rule, as that term is defined in section
20 536.010, RSMo, that is created under the authority delegated in
21 this section shall become effective only if it complies with and
22 is subject to all of the provisions of chapter 536, RSMo, and, if
23 applicable, section 536.028, RSMo. This section and chapter 536,
24 RSMo, are nonseverable and if any of the powers vested with the
25 general assembly pursuant to chapter 536, RSMo, to review, to
26 delay the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 2007,

1 shall be invalid and void. Fees charged under this subsection
2 shall approximate the estimated cost of special handling and
3 shall not exceed five hundred dollars per document filed or
4 document requested. Requests for special handling or expedited
5 filing may be filled, and the fees under this subsection may be
6 charged, only if the special handling does not cause disruption
7 or delay in the process of normal handling of documents. Such
8 determination shall be at the sole discretion of the secretary of
9 state or his or her designee, and neither the secretary of state
10 nor his or her designee shall be liable in any manner for the
11 acceptance or rejection of requests for special handling or
12 expedited filing.

13 41.950. 1. Any resident of this state who is a member of
14 the national guard or of any reserve component of the armed
15 forces of the United States or who is a member of the United
16 States Army, the United States Navy, the United States Air Force,
17 the United States Marine Corps, the United States Coast Guard or
18 an officer of the United States Public Health Service detailed by
19 proper authority for duty with any branch of the United States
20 armed forces described in this section and who is engaged in the
21 performance of active duty in the military service of the United
22 States in a military conflict in which reserve components have
23 been called to active duty under the authority of 10 U.S.C.
24 672(d) or 10 U.S.C. 673b or any such subsequent call or order by
25 the President or Congress for any period of thirty days or more
26 shall be relieved from certain provisions of state law, as
27 follows:

28 (1) No person performing such military service who owns a

1 motor vehicle shall be required to maintain financial
2 responsibility on such motor vehicle as required under section
3 303.025, RSMo, until such time as that person completes such
4 military service, unless any person shall be operating such motor
5 vehicle while the vehicle owner is performing such military
6 service;

7 (2) No person failing to renew his driver's license while
8 performing such military service shall be required to take a
9 complete examination as required under section 302.173, RSMo,
10 when renewing his license within sixty days after completing such
11 military service;

12 (3) Any motor vehicle registration required under chapter
13 301, RSMo, that expires for any person performing such military
14 service may be renewed by such person within sixty days of
15 completing such military service without being required to pay a
16 delinquent registration fee; however, such motor vehicle shall
17 not be operated while the person is performing such military
18 service unless the motor vehicle registration is renewed;

19 (4) Any person enrolled by the supreme court of Missouri or
20 licensed, registered or certified under chapter 168, 256, 289,
21 317, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336,
22 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or
23 644, RSMo, whose license, registration or certification expires
24 while performing such military service, may renew such license,
25 registration or certification within sixty days of completing
26 such military service without penalty;

27 (5) In the case of [annual] corporate registration reports,
28 franchise tax reports or other reports required to be filed with

1 the office of secretary of state, where the filing of such report
2 would be delayed because of a person performing such military
3 service, such reports shall be filed without penalty within one
4 hundred twenty days of the completion of such military service;

5 (6) No person performing such military service who is
6 subject to a criminal summons for a traffic violation shall be
7 subject to nonappearance sanctions for such violation until after
8 one hundred eighty days after the completion of such military
9 service;

10 (7) No person performing such military service who is
11 required under state law to file financial disclosure reports
12 shall be required to file such reports while performing such
13 military service; however, such reports covering that period of
14 time that such military service is performed shall be filed
15 within one hundred eighty days after the completion of such
16 military service;

17 (8) Any person with an indebtedness, liability or
18 obligation for state income tax or property tax on personal or
19 real property who is performing such military service or a spouse
20 of such person filing a combined return or owning property
21 jointly shall be granted an extension to file any papers or to
22 pay any obligation until one hundred eighty days after the
23 completion of such military service or continuous hospitalization
24 as a result of such military service notwithstanding the
25 provisions of section 143.991, RSMo, to the contrary and shall be
26 allowed to pay such tax without penalty or interest if paid
27 within the one-hundred-eighty-day period;

28 (9) Notwithstanding other provisions of the law to the

1 contrary, for the purposes of this section, interest shall be
2 allowed and paid on any overpayment of tax imposed by sections
3 143.011 to 143.998, RSMo, at the rate of six percent per annum
4 from the original due date of the return or the date the tax was
5 paid, whichever is later;

6 (10) No state agency, board, commission or administrative
7 tribunal shall take any administrative action against any person
8 performing such military service for that person's failure to
9 take any required action or meet any required obligation not
10 already provided for in subdivisions (1) to (8) of this
11 subsection until one hundred eighty days after the completion of
12 such military service, except that any agency, board, commission
13 or administrative tribunal affected by this subdivision may, in
14 its discretion, extend the time required to take such action or
15 meet such obligation beyond the one-hundred-eighty-day period;

16 (11) Any disciplinary or administrative action or
17 proceeding before any state agency, board, commission or
18 administrative tribunal where the person performing such military
19 service is a necessary party, which occurs during such period of
20 military service, shall be stayed by the administrative entity
21 before which it is pending until sixty days after the end of such
22 military service.

23 2. Upon completing such military service, the person shall
24 provide the appropriate agency, board, commission or
25 administrative tribunal an official order from the appropriate
26 military authority as evidence of such military service.

27 3. The provisions of this section shall apply to any
28 individual defined in subsection 1 of this section who performs

1 such military service on or after August 2, 1990.

2 49.292. 1. Notwithstanding any other law to the contrary,
3 the county commission of any county may reject the transfer of
4 title of real property to the county by donation or dedication if
5 the commission determines that such rejection is in the public
6 interest of the county.

7 2. No transfer of title of real property to the county
8 commission or any other political subdivision by donation or
9 dedication authorized to be recorded in the office of the
10 recorder of deeds shall be valid unless it has been proved or
11 acknowledged. The preparer of the document relating to
12 subsection 1 of this section shall not submit a document to the
13 recorder of deeds for recording unless the acceptance thereof of
14 the grantee named in the document has been proved or
15 acknowledged. No water or sewer line easement shall be construed
16 as a transfer of title of real property under this subsection.

17 50.333. 1. There shall be a salary commission in every
18 nonchartered county.

19 2. The clerk [or court administrator of the circuit court
20 of the judicial circuit in which such county is located] shall
21 set a date, time and place for the salary commission meeting and
22 serve as temporary chairman of the salary commission until the
23 members of the commission elect a chairman from their number.
24 Upon written request of a majority of the salary commission
25 members the county clerk [or court administrator of the circuit
26 court] shall forthwith set the earliest date possible for a
27 meeting of the salary commission. The [circuit] clerk [or court
28 administrator] shall give notice of the time and place of any

1 meeting of the salary commission. Such notice shall be published
2 in a newspaper of general circulation in such county at least
3 five days prior to such meeting. Such notice shall contain a
4 general description of the business to be discussed at such
5 meeting.

6 3. The members of the salary commission shall be:

7 (1) The recorder of deeds if the recorder's office is
8 separate from that of the circuit clerk;

9 (2) The county clerk;

10 (3) The prosecuting attorney;

11 (4) The sheriff;

12 (5) The county commissioners;

13 (6) The collector or treasurer ex officio collector;

14 (7) The treasurer or treasurer ex officio collector;

15 (8) The assessor;

16 (9) The auditor;

17 (10) The public administrator; and

18 (11) The coroner.

19 Members of the salary commission shall receive no additional
20 compensation for their services as members of the salary
21 commission. A majority of members shall constitute a quorum.

22 4. Notwithstanding the provisions of sections 610.021 and
23 610.022, RSMo, all meetings of a county salary commission shall
24 be open meetings and all votes taken at such meetings shall be
25 open records. Any vote taken at any meeting of the salary
26 commission shall be taken by recorded yeas and nays.

27 5. In every county, the salary commission shall meet at

1 least once before November thirtieth of each odd-numbered year.
2 The salary commission may meet as many times as it deems
3 necessary and may meet after November thirtieth and prior to
4 December fifteenth of any odd-numbered year if the commission has
5 met at least once prior to November thirtieth of that year. At
6 any meeting of the salary commission, the members shall elect a
7 chairman from their number. The county clerk shall present a
8 report on the financial condition of the county to the commission
9 once the chairman is elected, and shall keep the minutes of the
10 meeting.

11 6. For purposes of this section, the 1988 base compensation
12 is the compensation paid on September 1, 1987, plus the same
13 percentage increase paid or allowed, whichever is greater, to the
14 presiding commissioner or the sheriff, whichever is greater, of
15 that county for the year beginning January 1, 1988. Such
16 increase shall be expressed as a percentage of the difference
17 between the maximum allowable compensation and the compensation
18 paid on September 1, 1987. At its meeting in 1987 and at any
19 meeting held in 1988, the salary commission shall determine the
20 compensation to be paid to every county officer holding office on
21 January 1, 1988. The salary commission shall establish the
22 compensation for each office at an amount not greater than that
23 set by law as the maximum compensation. If the salary commission
24 votes to increase compensation, but not to pay the maximum amount
25 authorized by law for any officer or office, then the increase in
26 compensation shall be the same percentage increase for all
27 officers and offices and shall be expressed as a percentage of
28 the difference between the maximum allowable compensation and the

1 compensation being received at the time of the vote. If
2 two-thirds of the members of the salary commission vote to
3 decrease the compensation being received at the time of the vote
4 below that compensation, all officers shall receive the same
5 percentage decrease. The commission may vote not to increase or
6 decrease the compensation and that compensation shall continue to
7 be the salary of such offices and officers during the subsequent
8 term of office.

9 7. For the year 1989 and every second year thereafter, the
10 salary commission shall meet in every county as many times as it
11 deems necessary on or prior to November thirtieth of any such
12 year for the purpose of determining the amount of compensation to
13 be paid to county officials. For each year in which the
14 commission meets, the members shall elect a chairman from their
15 number. The county clerk shall present a report on the financial
16 condition of the county to the commission once the chairman is
17 elected, and shall keep minutes of the meeting. The salary
18 commission shall then consider the compensation to be paid for
19 the next term of office for each county officer to be elected at
20 their next general election. If the commission votes not to
21 increase or decrease the compensation, the salary being paid
22 during the term in which the vote was taken shall continue as the
23 salary of such offices and officers during the subsequent term of
24 office. If the salary commission votes to increase the
25 compensation, all officers or offices whose compensation is being
26 considered by the commission at that time shall receive the same
27 percentage of the maximum allowable compensation. However, for
28 any county in which all offices' and officers' salaries have been

1 set at one hundred percent of the maximum allowable compensation,
2 the commission may vote to increase the compensation of all
3 offices except that of full-time prosecuting attorneys at that or
4 any subsequent meeting of the salary commission without regard to
5 any law or maximum limitation established by law. Such increase
6 shall be expressed as a percentage of the compensation being paid
7 during the term of office when the vote is taken, and each
8 officer or office whose compensation is being established by the
9 salary commission at that time shall receive the same percentage
10 increase over the compensation being paid for that office during
11 the term when the vote is taken. This increase shall be in
12 addition to any increase mandated by an official's salary
13 schedule because of changes in assessed valuation during the
14 current term. If the salary commission votes to decrease the
15 compensation, a vote of two-thirds or more of all the members of
16 the salary commission shall be required before the salary or
17 other compensation of any county office shall be decreased below
18 the compensation being paid for the particular office on the date
19 the salary commission votes, and all officers and offices shall
20 receive the same percentage decrease.

21 8. The salary commission shall issue, not later than
22 December fifteenth of any year in which it meets, a report of
23 compensation to be paid to each officer and the compensation so
24 set shall be paid beginning with the start of the subsequent term
25 of office of each officer. The report of compensation shall be
26 certified to the clerk of the county commission for the county
27 and shall be in substantially the following form:

28 The salary commission for County

1 hereby certifies that it has met pursuant to law to establish
2 compensation for county officers to be paid to such officers
3 during the next term of office for the officers affected. The
4 salary commission reports that there shall be (no increase in
5 compensation) (an increase of percent) (a
6 decrease of percent) (county officer's salaries set
7 at percent of the maximum allowable
8 compensation).

9 Salaries shall be adjusted each year on the official's year of
10 incumbency for any change in the last completed assessment that
11 would affect the maximum allowable compensation for that office.

12 9. For the meeting in 1989 and every meeting thereafter, in
13 the event a salary commission in any county fails, neglects or
14 refuses to meet as provided in this section, or in the event a
15 majority of the salary commission is unable to reach an agreement
16 and so reports or fails to certify a salary report to the clerk
17 of the county commission by December fifteenth of any year in
18 which a report is required to be certified by this section, then
19 the compensation being paid to each affected office or officer on
20 such date shall continue to be the compensation paid to the
21 affected office or officer during the succeeding term of office.

22 10. Other provisions of law notwithstanding, in every
23 instance where an officer or employee of any county is paid a
24 mileage allowance or reimbursement, the county commission shall
25 allow or reimburse such officers or employees out of the county
26 treasury at the highest rate paid to any county officer for each
27 mile actually and necessarily traveled in the performance of

1 their official duties. The county commission of any county may
2 elect to pay a mileage allowance for any county commissioner for
3 travel going to and returning from the place of holding
4 commission meetings and for all other necessary travel on
5 official county business in the personal motor vehicle of the
6 commissioner presenting the claim. The governing body of any
7 county of the first classification not having a charter form of
8 government may provide by order for the payment of mileage
9 expenses of elected and appointed county officials by payment of
10 a certain amount monthly which would reflect the average monthly
11 mileage expenses of such officer based on the amount allowed
12 pursuant to state law for the payment of mileage for state
13 employees. Any order entered for such purpose shall not be
14 construed as salary, wages or other compensation for services
15 rendered.

16 11. The term "maximum allowable compensation" as used in
17 this section means the highest compensation which may be paid to
18 the specified officer or office in the particular county based on
19 the salary schedule established by law for the specified officer
20 or office. If the salary commission at its meeting in 1987 voted
21 for one hundred percent of the maximum allowable compensation and
22 does not change such vote at its meeting held within thirty days
23 after May 13, 1988, as provided in subsection 6 of this section,
24 the one hundred percent shall be calculated on the basis of the
25 total allowable compensation permitted after May 13, 1988.

26 12. At the salary commission meeting which establishes the
27 percentage rate to be applied to county officers during the next
28 term of office, the salary commission may authorize the further

1 adjustment of such officers' compensation as a cost-of-living
2 component and effective January first of each year, the
3 compensation for county officers may be adjusted by the county
4 commission, and if the adjustment of compensation is authorized,
5 the percentage increase shall be the same for all county
6 officers, not to exceed the percentage increase given to the
7 other county employees. The compensation for all county officers
8 may be set as a group, although the change in compensation will
9 not become effective until the next term of office for each
10 officer.

11 13. At the salary commission meeting in 1997 which
12 establishes the salaries for those officers to be elected at the
13 general election in 1998, the salary commission of each
14 noncharter county may provide salary increases for associate
15 county commissioners elected in 1996. This one-time increase is
16 necessitated by the change from two- to four-year terms for
17 associate commissioners pursuant to house bill 256, passed by the
18 first regular session of the eighty-eighth general assembly in
19 1995.

20 66.010. 1. Any first class county framing and adopting a
21 charter for its own government under the provisions of section
22 18, article VI of the constitution of this state, may prosecute
23 and punish violations of its county ordinances in the circuit
24 court of such counties in the manner and to the extent herein
25 provided or in a county municipal court [if creation of a county
26 municipal court is authorized by such charter]. In addition, the
27 county may prosecute and punish municipal ordinance violations in
28 the county municipal court pursuant to a contract with any

1 municipality within the county. Any county municipal court
2 established pursuant to the provisions of this section shall have
3 jurisdiction over violations of that county's ordinances and the
4 ordinances of municipalities with which the county has a contract
5 to prosecute and punish violations of municipal ordinances of the
6 city. Costs and procedures in any such county municipal court
7 shall be governed by the provisions of law relating to municipal
8 ordinance violations in municipal divisions of circuit courts.

9 2. In any county which has elected to establish a county
10 municipal court pursuant to this section, the judges for such
11 court shall be appointed by the county executive of such county,
12 subject to confirmation by the legislative body of such county in
13 the same manner as confirmation for other county appointed
14 officers. The number of judges appointed, and qualifications for
15 their appointment, shall be established by ordinance of the
16 county.

17 3. The number of divisions of such county municipal court
18 and its term shall be established by ordinance of the county.

19 4. The ordinance of the county [~~shall~~] may provide for
20 regular sessions of court in the evening hours after 6:00 p.m.
21 and at locations outside the county seat.

22 5. Judges of the county municipal court shall be licensed
23 to practice law in this state and shall be residents of the
24 county in which they serve. Municipal court judges shall not
25 accept or handle cases in their practice of law which are
26 inconsistent with their duties as a municipal court judge and
27 shall not be a judge or prosecutor for any other court.

28 6. In establishing the county municipal court, provisions

1 shall be made for appropriate circumstances whereby defendants
2 may enter not guilty pleas and obtain trial dates by telephone or
3 written communication without personal appearance, or to plead
4 guilty and deliver by mail or electronic transfer or other
5 approved method the specified amount of the fine and costs as
6 otherwise provided by law, within a specified period of time.

7 7. In a county municipal court established pursuant to this
8 section, the county may provide by ordinance for court costs not
9 to exceed the sum which may be provided by municipalities for
10 municipal violations before municipal courts. The county
11 municipal judge may assess costs against a defendant who pleads
12 guilty or is found guilty except in those cases where the
13 defendant is found by the judge to be indigent and unable to pay
14 the costs. The costs authorized in this subsection are in
15 addition to service costs, witness fees and jail costs that may
16 otherwise be authorized to be assessed, but are in lieu of other
17 court or judge costs or fees. Such costs shall be collected by
18 the authorized clerk and deposited into the county treasury.

19 8. Provisions shall be made for recording of proceedings,
20 except that if such proceedings are not recorded, then, in that
21 event, a person aggrieved by a judgment of a traffic judge or
22 commissioner shall have the right of a trial de novo. The
23 procedures for perfecting the right of a trial de novo shall be
24 the same as that provided under sections 512.180 to 512.320,
25 RSMo, except that the provisions of subsection 2 of section
26 512.180, RSMo, shall not apply to such cases. In the event that
27 such proceedings are recorded, all final decisions of the county
28 municipal court shall be appealable on such record to the

1 appellate court with appropriate jurisdiction.

2 9. Any person charged with the violation of a county
3 ordinance in a county which has established a county municipal
4 court under the provisions of this section shall, upon request,
5 be entitled to a trial by jury before a county municipal court
6 judge. Any jury trial shall be heard with a record being made.

7 10. In the event that a court is established pursuant to
8 this section, the circuit judges of the judicial circuit with
9 jurisdiction within that county may authorize the judges of the
10 county municipal court to act as commissioners to hear in the
11 first instance [nonfelony] violations of state law involving
12 motor vehicles as provided by local rule.

13 105.711. 1. There is hereby created a "State Legal Expense
14 Fund" which shall consist of moneys appropriated to the fund by
15 the general assembly and moneys otherwise credited to such fund
16 pursuant to section 105.716.

17 2. Moneys in the state legal expense fund shall be
18 available for the payment of any claim or any amount required by
19 any final judgment rendered by a court of competent jurisdiction
20 against:

21 (1) The state of Missouri, or any agency of the state,
22 pursuant to section 536.050 or 536.087, RSMo, or section 537.600,
23 RSMo;

24 (2) Any officer or employee of the state of Missouri or any
25 agency of the state, including, without limitation, elected
26 officials, appointees, members of state boards or commissions,
27 and members of the Missouri national guard upon conduct of such
28 officer or employee arising out of and performed in connection

1 with his or her official duties on behalf of the state, or any
2 agency of the state, provided that moneys in this fund shall not
3 be available for payment of claims made under chapter 287, RSMo;
4 [or]

5 (3) (a) Any physician, psychiatrist, pharmacist,
6 podiatrist, dentist, nurse, or other health care provider
7 licensed to practice in Missouri under the provisions of chapter
8 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the
9 state of Missouri or any agency of the state, under formal
10 contract to conduct disability reviews on behalf of the
11 department of elementary and secondary education or provide
12 services to patients or inmates of state correctional facilities
13 on a part-time basis, and any physician, psychiatrist,
14 pharmacist, podiatrist, dentist, nurse, or other health care
15 provider licensed to practice in Missouri under the provisions of
16 chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under
17 formal contract to provide services to patients or inmates at a
18 county jail on a part-time basis;

19 (b) Any physician licensed to practice medicine in Missouri
20 under the provisions of chapter 334, RSMo, and his professional
21 corporation organized pursuant to chapter 356, RSMo, who is
22 employed by or under contract with a city or county health
23 department organized under chapter 192, RSMo, or chapter 205,
24 RSMo, or a city health department operating under a city charter,
25 or a combined city-county health department to provide services
26 to patients for medical care caused by pregnancy, delivery, and
27 child care, if such medical services are provided by the
28 physician pursuant to the contract without compensation or the

1 physician is paid from no other source than a governmental agency
2 except for patient co-payments required by federal or state law
3 or local ordinance;

4 (c) Any physician licensed to practice medicine in Missouri
5 under the provisions of chapter 334, RSMo, who is employed by or
6 under contract with a federally funded community health center
7 organized under Section 315, 329, 330 or 340 of the Public Health
8 Services Act (42 U.S.C. 216, 254c) to provide services to
9 patients for medical care caused by pregnancy, delivery, and
10 child care, if such medical services are provided by the
11 physician pursuant to the contract or employment agreement
12 without compensation or the physician is paid from no other
13 source than a governmental agency or such a federally funded
14 community health center except for patient co-payments required
15 by federal or state law or local ordinance. In the case of any
16 claim or judgment that arises under this paragraph, the aggregate
17 of payments from the state legal expense fund shall be limited to
18 a maximum of one million dollars for all claims arising out of
19 and judgments based upon the same act or acts alleged in a single
20 cause against any such physician, and shall not exceed one
21 million dollars for any one claimant;

22 (d) Any physician licensed pursuant to chapter 334, RSMo,
23 who is affiliated with and receives no compensation from a
24 nonprofit entity qualified as exempt from federal taxation under
25 Section 501(c)(3) of the Internal Revenue Code of 1986, as
26 amended, which offers a free health screening in any setting or
27 any physician, nurse, physician assistant, dental hygienist, [or]
28 dentist, or other health care provider licensed or registered

1 pursuant to chapter 330, 331, 332, [RSMo, chapter] 334, [RSMo, or
2 chapter] 335, 336, 337, or 338, RSMo, who provides [medical,
3 dental, or nursing treatment] health care services within the
4 scope of his or her license or registration at a city or county
5 health department organized under chapter 192, RSMo, or chapter
6 205, RSMo, a city health department operating under a city
7 charter, or a combined city-county health department, or a
8 nonprofit community health center qualified as exempt from
9 federal taxation under Section 501(c)(3) of the Internal Revenue
10 Code of 1986, as amended, if such [treatment is] services are
11 restricted to primary care and preventive health services,
12 provided that such [treatment] services shall not include the
13 performance of an abortion, and if such [medical, dental, or
14 nursing] health services are provided by the [physician, dentist,
15 physician assistant, dental hygienist, or nurse] health care
16 provider licensed or registered under chapter 330, 331, 332, 334,
17 335, 336, 337, or 338, RSMo, without compensation. Medicaid or
18 medicare payments for primary care and preventive health services
19 provided by a [physician, dentist, physician assistant, dental
20 hygienist, or nurse] health care provider licensed or registered
21 under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo,
22 who volunteers at a free health clinic is not compensation for
23 the purpose of this section if the total payment is assigned to
24 the free health clinic. For the purposes of the section, "free
25 health clinic" means a nonprofit community health center
26 qualified as exempt from federal taxation under Section 501
27 (c)(3) of the Internal Revenue Code of 1987, as amended, that
28 provides primary care and preventive health services to people

1 without health insurance coverage for the services provided
2 without charge. In the case of any claim or judgment that arises
3 under this paragraph, the aggregate of payments from the state
4 legal expense fund shall be limited to a maximum of five hundred
5 thousand dollars, for all claims arising out of and judgments
6 based upon the same act or acts alleged in a single cause and
7 shall not exceed five hundred thousand dollars for any one
8 claimant, and insurance policies purchased pursuant to the
9 provisions of section 105.721 shall be limited to five hundred
10 thousand dollars. Liability or malpractice insurance obtained
11 and maintained in force by or on behalf of any [physician,
12 dentist, physician assistant, dental hygienist, or nurse] health
13 care provider licensed or registered under chapter 330, 331, 332,
14 334, 335, 336, 337, or 338, RSMo, shall not be considered
15 available to pay that portion of a judgment or claim for which
16 the state legal expense fund is liable under this paragraph; [or]

17 (e) Any physician, nurse, physician assistant, dental
18 hygienist, or dentist licensed or registered to practice
19 medicine, nursing, or dentistry or to act as a physician
20 assistant or dental hygienist in Missouri under the provisions of
21 chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who
22 provides medical, nursing, or dental treatment within the scope
23 of his license or registration to students of a school whether a
24 public, private, or parochial elementary or secondary school or
25 camp, if such physician's treatment is restricted to primary care
26 and preventive health services and if such medical, dental, or
27 nursing services are provided by the physician, dentist,
28 physician assistant, dental hygienist, or nurse without

1 compensation. In the case of any claim or judgment that arises
2 under this paragraph, the aggregate of payments from the state
3 legal expense fund shall be limited to a maximum of five hundred
4 thousand dollars, for all claims arising out of and judgments
5 based upon the same act or acts alleged in a single cause and
6 shall not exceed five hundred thousand dollars for any one
7 claimant, and insurance policies purchased pursuant to the
8 provisions of section 105.721 shall be limited to five hundred
9 thousand dollars; or

10 (f) Any physician licensed under chapter 334, RSMo, or
11 dentist licensed under chapter 332, RSMo, providing medical care
12 without compensation to an individual referred to his or her care
13 by a city or county health department organized under chapter 192
14 or 205, RSMo, a city health department operating under a city
15 charter, or a combined city-county health department or a
16 nonprofit community health center qualified as exempt from
17 federal taxation under section 501(c)(3) of the Internal Revenue
18 Code of 1986, as amended, or a federally funded community health
19 center organized under Sections 315, 329, 330, or 340 of the
20 Public Health Services Act (42 U.S.C. Section 216, 254c),
21 provided that such treatment shall not include the performance of
22 an abortion. In the case of any claim or judgment that arises
23 under this paragraph, the aggregate of payments from the state
24 legal expense fund shall be limited to a maximum of one million
25 dollars, for all claims arising out of and judgments based upon
26 the same act or acts alleged in a single cause and shall not
27 exceed one million dollars for any one claimant, and insurance
28 policies purchased under the provisions of section 105.721 shall

be limited to one million dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician licensed under chapter 332, RSMo, or any dentist licensed under chapter 334, RSMo, shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(4) Staff employed by the juvenile division of any judicial circuit; [or]

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(6) Any social welfare board created under section 205.770, RSMo, and the members and officers thereof upon conduct of such officer or employee while acting in his or her capacity as a board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or other health care

1 provider licensed or registered under chapter 330, 331, 332, 334,
2 335, 336, 337, or 338, RSMo, who is referred to provide specialty
3 care without compensation by the board and who provides health
4 care services within the scope of his or her license or
5 registration as prescribed by said board.

6 3. The department of health and senior services shall
7 promulgate rules regarding contract procedures and the
8 documentation of care provided under paragraphs (b), (c), (d),
9 [and] (e), and (f) of subdivision (3) of subsection 2 of this
10 section. The limitation on payments from the state legal expense
11 fund or any policy of insurance procured pursuant to the
12 provisions of section 105.721, provided in subsection 7 of this
13 section, shall not apply to any claim or judgment arising under
14 paragraph (a), (b), (c), (d), [or] (e), or (f) of subdivision (3)
15 of subsection 2 of this section. Any claim or judgment arising
16 under paragraph (a), (b), (c), (d), [or] (e), or (f) of
17 subdivision (3) of subsection 2 of this section shall be paid by
18 the state legal expense fund or any policy of insurance procured
19 pursuant to section 105.721, to the extent damages are allowed
20 under sections 538.205 to 538.235, RSMo. Liability or
21 malpractice insurance obtained and maintained in force by any
22 [physician, dentist, physician assistant, dental hygienist, or
23 nurse] health care provider licensed under chapter 330, 331, 332,
24 334, 335, 336, 337, or 338, RSMo, for coverage concerning his or
25 her private practice and assets shall not be considered available
26 under subsection 7 of this section to pay that portion of a
27 judgment or claim for which the state legal expense fund is
28 liable under paragraph (a), (b), (c), (d), [or] (e), or (f) of

1 subdivision (3) of subsection 2 of this section. However, a
2 [physician, nurse, dentist, physician assistant, or dental
3 hygienist] health care provider licensed under chapter 330, 331,
4 332, 334, 335, 336, 337, or 338, RSMo, may purchase liability or
5 malpractice insurance for coverage of liability claims or
6 judgments based upon care rendered under paragraphs (c), (d),
7 [and] (e), and (f) of subdivision (3) of subsection 2 of this
8 section which exceed the amount of liability coverage provided by
9 the state legal expense fund under those paragraphs. Even if
10 paragraph (a), (b), (c), (d), [or] (e), or (f) of subdivision (3)
11 of subsection 2 of this section is repealed or modified, the
12 state legal expense fund shall be available for damages which
13 occur while the pertinent paragraph (a), (b), (c), (d), [or] (e),
14 or (f) of subdivision (3) of subsection 2 of this section is in
15 effect.

16 4. The attorney general shall promulgate rules regarding
17 contract procedures and the documentation of legal practice
18 provided under subdivision (5) of subsection 2 of this section.
19 The limitation on payments from the state legal expense fund or
20 any policy of insurance procured pursuant to section 105.721 as
21 provided in subsection 7 of this section shall not apply to any
22 claim or judgment arising under subdivision (5) of subsection 2
23 of this section. Any claim or judgment arising under subdivision
24 (5) of subsection 2 of this section shall be paid by the state
25 legal expense fund or any policy of insurance procured pursuant
26 to section 105.721 to the extent damages are allowed under
27 sections 538.205 to 538.235, RSMo. Liability or malpractice
28 insurance otherwise obtained and maintained in force shall not be

1 considered available under subsection 7 of this section to pay
2 that portion of a judgment or claim for which the state legal
3 expense fund is liable under subdivision (5) of subsection 2 of
4 this section. However, an attorney may obtain liability or
5 malpractice insurance for coverage of liability claims or
6 judgments based upon legal practice rendered under subdivision
7 (5) of subsection 2 of this section that exceed the amount of
8 liability coverage provided by the state legal expense fund under
9 subdivision (5) of subsection 2 of this section. Even if
10 subdivision (5) of subsection 2 of this section is repealed or
11 amended, the state legal expense fund shall be available for
12 damages that occur while the pertinent subdivision (5) of
13 subsection 2 of this section is in effect.

14 5. All payments shall be made from the state legal expense
15 fund by the commissioner of administration with the approval of
16 the attorney general. Payment from the state legal expense fund
17 of a claim or final judgment award against a [physician, dentist,
18 physician assistant, dental hygienist, or nurse] health care
19 provider licensed under chapter 330, 331, 332, 334, 335, 336,
20 337, or 338, RSMo, described in paragraph (a), (b), (c), (d),
21 [or] (e), or (f) of subdivision (3) of subsection 2 of this
22 section, or against an attorney in subdivision (5) of subsection
23 2 of this section, shall only be made for services rendered in
24 accordance with the conditions of such paragraphs. In the case
25 of any claim or judgment against an officer or employee of the
26 state or any agency of the state based upon conduct of such
27 officer or employee arising out of and performed in connection
28 with his or her official duties on behalf of the state or any

1 agency of the state that would give rise to a cause of action
2 under section 537.600, RSMo, the state legal expense fund shall
3 be liable, excluding punitive damages, for:

4 (1) Economic damages to any one claimant; and

5 (2) Up to three hundred fifty thousand dollars for
6 noneconomic damages.

7 The state legal expense fund shall be the exclusive remedy and
8 shall preclude any other civil actions or proceedings for money
9 damages arising out of or relating to the same subject matter
10 against the state officer or employee, or the officer's or
11 employee's estate. No officer or employee of the state or any
12 agency of the state shall be individually liable in his or her
13 personal capacity for conduct of such officer or employee arising
14 out of and performed in connection with his or her official
15 duties on behalf of the state or any agency of the state. The
16 provisions of this subsection shall not apply to any defendant
17 who is not an officer or employee of the state or any agency of
18 the state in any proceeding against an officer or employee of the
19 state or any agency of the state. Nothing in this subsection
20 shall limit the rights and remedies otherwise available to a
21 claimant under state law or common law in proceedings where one
22 or more defendants is not an officer or employee of the state or
23 any agency of the state.

24 6. The limitation on awards for noneconomic damages
25 provided for in this subsection shall be increased or decreased
26 on an annual basis effective January first of each year in
27 accordance with the Implicit Price Deflator for Personal

1 Consumption Expenditures as published by the Bureau of Economic
2 Analysis of the United States Department of Commerce. The
3 current value of the limitation shall be calculated by the
4 director of the department of insurance, who shall furnish that
5 value to the secretary of state, who shall publish such value in
6 the Missouri Register as soon after each January first as
7 practicable, but it shall otherwise be exempt from the provisions
8 of section 536.021, RSMo.

9 7. Except as provided in subsection 3 of this section, in
10 the case of any claim or judgment that arises under sections
11 537.600 and 537.610, RSMo, against the state of Missouri, or an
12 agency of the state, the aggregate of payments from the state
13 legal expense fund and from any policy of insurance procured
14 pursuant to the provisions of section 105.721 shall not exceed
15 the limits of liability as provided in sections 537.600 to
16 537.610, RSMo. No payment shall be made from the state legal
17 expense fund or any policy of insurance procured with state funds
18 pursuant to section 105.721 unless and until the benefits
19 provided to pay the claim by any other policy of liability
20 insurance have been exhausted.

21 8. The provisions of section 33.080, RSMo, notwithstanding,
22 any moneys remaining to the credit of the state legal expense
23 fund at the end of an appropriation period shall not be
24 transferred to general revenue.

25 9. Any rule or portion of a rule, as that term is defined
26 in section 536.010, RSMo, that is promulgated under the authority
27 delegated in sections 105.711 to 105.726 shall become effective
28 only if it has been promulgated pursuant to the provisions of

chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee

1 of the political parties having the two highest number of votes
2 cast for their candidate for governor at the last gubernatorial
3 election shall submit two names of eligible nominees for
4 membership on the commission to the governor, and the governor
5 shall select six members from such nominees to serve on the
6 commission.

7 2. Within thirty days of submission of the person's name to
8 the governor as provided in subsection 1 of this section, and in
9 order to be an eligible nominee for appointment to the
10 commission, a person shall file a financial interest statement in
11 the manner provided by section 105.485 and shall provide the
12 governor, the president pro tempore of the senate, and the
13 commission with a list of all political contributions and the
14 name of the candidate or committee, political party, or
15 continuing committee, as defined in chapter 130, RSMo, to which
16 those contributions were made within the four-year period prior
17 to such appointment, made by the nominee, the nominee's spouse,
18 or any business entity in which the nominee has a substantial
19 interest. The information shall be maintained by the commission
20 and available for public inspection during the period of time
21 during which the appointee is a member of the commission. In
22 order to be an eligible nominee for membership on the commission,
23 a person shall be a citizen and a resident of the state and shall
24 have been a registered voter in the state for a period of at
25 least five years preceding the person's appointment.

26 3. The term of each member shall be for four years, except
27 that of the members first appointed, the governor shall select
28 three members from even-numbered congressional districts and

1 three members from odd-numbered districts. Not more than three
2 members of the commission shall be members of the same political
3 party, nor shall more than one member be from any one United
4 States congressional district. Not more than two members
5 appointed from the even-numbered congressional districts shall be
6 members of the same political party, and no more than two members
7 from the odd-numbered congressional districts shall be members of
8 the same political party. Of the members first appointed, the
9 terms of the members appointed from the odd-numbered
10 congressional districts shall expire on March 15, 1994, and the
11 terms of the members appointed from the even-numbered
12 congressional districts shall expire on March 15, 1996.
13 Thereafter all successor members of the commission shall be
14 appointed for four-year terms. Terms of successor members of the
15 commission shall expire on March fifteenth of the fourth year of
16 their term. No member of the commission shall serve on the
17 commission after the expiration of the member's term or until all
18 member's vacancies are filled, as provided in subsections 2 and 3
19 of this section, with such term extensions not to exceed one
20 hundred twenty days. No person shall be appointed to more than
21 one full four-year term plus one hundred twenty days, if needed,
22 on the commission. No person shall be appointed to more than one
23 full four-year term on the commission.

24 4. Vacancies or expired terms on the commission shall be
25 filled in the same manner as the original appointment was made,
26 except as provided in this subsection. Within thirty days of the
27 vacancy or ninety days before the expiration of the term, the
28 names of two eligible nominees for membership on the commission

1 shall be submitted to the governor by the congressional district
2 committees of the political party or parties of the vacating
3 member or members, from the even- or odd-numbered congressional
4 districts, based on the residence of the vacating member or
5 members, other than from the congressional district committees
6 from districts then represented on the commission and from the
7 same congressional district party committee or committees which
8 originally appointed the member or members whose positions are
9 vacated. Appointments to fill vacancies or expired terms shall
10 be made within forty-five days after the deadline for submission
11 of names by the congressional district committees, and shall be
12 subject to the same qualifications for appointment and
13 eligibility as is provided in subsections 2 and 3 of this
14 section. Appointments to fill vacancies for unexpired terms
15 shall be for the remainder of the unexpired term of the member
16 whom the appointee succeeds, and such appointees shall be
17 eligible for appointment to one full four-year term. If the
18 congressional district committee does not submit the required two
19 nominees within the thirty days or if the congressional district
20 committee does not submit the two nominees within an additional
21 thirty days after receiving notice from the governor to submit
22 the nominees, then the governor may appoint a person or persons
23 who shall be subject to the same qualifications for appointment
24 and eligibility as provided in subsections 2 and 3 of this
25 section.

26 5. The governor, with the advice and consent of the senate,
27 may remove any member only for substantial neglect of duty,
28 inability to discharge the powers and duties of office, gross

1 misconduct or conviction of a felony or a crime involving moral
2 turpitude. Members of the commission also may be removed from
3 office by concurrent resolution of the general assembly signed by
4 the governor. If such resolution receives the vote of two-thirds
5 or more of the membership of both houses of the general assembly,
6 the signature of the governor shall not be necessary to effect
7 removal. The office of any member of the commission who moves
8 from the congressional district from which the member was
9 appointed shall be deemed vacated upon such change of residence.

10 6. The commission shall elect biennially one of its members
11 as the chairman. The chairman may not succeed himself or herself
12 after two years. No member of the commission shall succeed as
13 chairman any member of the same political party as himself or
14 herself. At least four members are necessary to constitute a
15 quorum, and at least four affirmative votes shall be required for
16 any action or recommendation of the commission.

17 7. No member or employee of the commission, during the
18 person's term of service, shall hold or be a candidate for any
19 other public office.

20 8. In the event that a retired judge is appointed as a
21 member of the commission, the judge shall not serve as a special
22 investigator while serving as a member of the commission.

23 9. No member of the commission shall, during the member's
24 term of service or within one year thereafter:

25 (1) Be employed by the state or any political subdivision
26 of the state;

27 (2) Be employed as a lobbyist;

28 (3) Serve on any other governmental board or commission;

1 (4) Be an officer of any political party or political
2 organization;

3 (5) Permit the person's name to be used, or make
4 contributions, in support of or in opposition to any candidate or
5 proposition;

6 (6) Participate in any way in any election campaign; except
7 that a member or employee of the commission shall retain the
8 right to register and vote in any election, to express the
9 person's opinion privately on political subjects or candidates,
10 to participate in the activities of a civic, community, social,
11 labor or professional organization and to be a member of a
12 political party.

13 10. Each member of the commission shall receive, as full
14 compensation for the member's services, the sum of one hundred
15 dollars per day for each full day actually spent on work of the
16 commission, and the member's actual and necessary expenses
17 incurred in the performance of the member's official duties.

18 11. The commission shall appoint an executive director who
19 shall serve subject to the supervision of and at the pleasure of
20 the commission[, but in no event for more than six years]. The
21 executive director shall be responsible for the administrative
22 operations of the commission and perform such other duties as may
23 be delegated or assigned to the director by law or by rule of the
24 commission. The executive director shall employ staff and retain
25 such contract services as the director deems necessary, within
26 the limits authorized by appropriations by the general assembly.

27 12. Beginning on January 1, 1993, all lobbyist registration
28 and expenditure reports filed pursuant to section 105.473,

1 financial interest statements filed pursuant to subdivision (1)
2 of section 105.489, and campaign finance disclosure reports filed
3 other than with election authorities or local election
4 authorities as provided by section 130.026, RSMo, shall be filed
5 with the commission.

6 13. Within sixty days of the initial meeting of the first
7 commission appointed, the commission shall obtain from the clerk
8 of the supreme court or the state courts administrator a list of
9 retired appellate and circuit court judges who did not leave the
10 judiciary as a result of being defeated in an election. The
11 executive director shall determine those judges who indicate
12 their desire to serve as special investigators and to investigate
13 any and all complaints referred to them by the commission. The
14 executive director shall maintain an updated list of those judges
15 qualified and available for appointment to serve as special
16 investigators. Such list shall be updated at least annually.
17 The commission shall refer complaints to such special
18 investigators on that list on a rotating schedule which ensures a
19 random assignment of each special investigator. Each special
20 investigator shall receive only one unrelated investigation at a
21 time and shall not be assigned to a second or subsequent
22 investigation until all other eligible investigators on the list
23 have been assigned to an investigation. In the event that no
24 special investigator is qualified or available to conduct a
25 particular investigation, the commission may appoint a special
26 investigator to conduct such particular investigation.

27 14. The commission shall have the following duties and
28 responsibilities relevant to the impartial and effective

1 enforcement of sections 105.450 to 105.496 and chapter 130, RSMo,
2 as provided in sections 105.955 to 105.963:

3 (1) Receive and review complaints regarding alleged
4 violation of sections 105.450 to 105.496 and chapter 130, RSMo,
5 conduct initial reviews and investigations regarding such
6 complaints as provided herein; refer complaints to appropriate
7 prosecuting authorities and appropriate disciplinary authorities
8 along with recommendations for sanctions; and initiate judicial
9 proceedings as allowed by sections 105.955 to 105.963;

10 (2) Review and audit any reports and statements required by
11 the campaign finance disclosure laws contained in chapter 130,
12 RSMo, and financial interest disclosure laws or lobbyist
13 registration and reporting laws as provided by sections 105.470
14 to 105.492, for timeliness, accuracy and completeness of content
15 as provided in sections 105.955 to 105.963;

16 (3) Develop appropriate systems to file and maintain an
17 index of all such reports and statements to facilitate public
18 access to such information, except as may be limited by
19 confidentiality requirements otherwise provided by law, including
20 cross-checking of information contained in such statements and
21 reports. The commission may enter into contracts with the
22 appropriate filing officers to effectuate such system. Such
23 filing officers shall cooperate as necessary with the commission
24 as reasonable and necessary to effectuate such purposes;

25 (4) Provide information and assistance to lobbyists,
26 elected and appointed officials, and employees of the state and
27 political subdivisions in carrying out the provisions of sections
28 105.450 to 105.496 and chapter 130, RSMo;

1 (5) Make recommendations to the governor and general
2 assembly or any state agency on the need for further legislation
3 with respect to the ethical conduct of public officials and
4 employees and to advise state and local government in the
5 development of local government codes of ethics and methods of
6 disclosing conflicts of interest as the commission may deem
7 appropriate to promote high ethical standards among all elected
8 and appointed officials or employees of the state or any
9 political subdivision thereof and lobbyists;

10 (6) Render advisory opinions as provided by this section;

11 (7) Promulgate rules relating to the provisions of sections
12 105.955 to 105.963 and chapter 130, RSMo. All rules and
13 regulations issued by the commission shall be prospective only in
14 operation;

15 (8) Request and receive from the officials and entities
16 identified in subdivision (6) of section 105.450 designations of
17 decision-making public servants.

18 15. In connection with such powers provided by sections
19 105.955 to 105.963 and chapter 130, RSMo, the commission may:

20 (1) Subpoena witnesses and compel their attendance and
21 testimony. Subpoenas shall be served and enforced in the same
22 manner provided by section 536.077, RSMo;

23 (2) Administer oaths and affirmations;

24 (3) Take evidence and require by subpoena duces tecum the
25 production of books, papers, and other records relating to any
26 matter being investigated or to the performance of the
27 commission's duties or exercise of its powers. Subpoenas duces
28 tecum shall be served and enforced in the same manner provided by

1 section 536.077, RSMo;

2 (4) Employ such personnel, including legal counsel, and
3 contract for services including legal counsel, within the limits
4 of its appropriation, as it deems necessary provided such legal
5 counsel, either employed or contracted, represents the Missouri
6 ethics commission before any state agency or before the courts at
7 the request of the Missouri ethics commission. Nothing in this
8 section shall limit the authority of the Missouri ethics
9 commission as provided for in subsection 2 of section 105.961;
10 and

11 (5) Obtain information from any department, division or
12 agency of the state or any political subdivision reasonably
13 calculated to lead to the discovery of evidence which will
14 reasonably assist the commission in carrying out the duties
15 prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

16 16. (1) Upon written request for an advisory opinion
17 received by the commission, and if the commission determines that
18 the person requesting the opinion would be directly affected by
19 the application of law to the facts presented by the requesting
20 person, the commission shall issue a written opinion advising the
21 person who made the request, in response to the person's
22 particular request, regarding any issue that the commission can
23 receive a complaint on pursuant to section 105.957. The
24 commission may decline to issue a written opinion by a vote of
25 four members and shall provide to the requesting person the
26 reason for the refusal in writing. The commission shall give an
27 approximate time frame as to when the written opinion shall be
28 issued. Such advisory opinions shall be issued no later than

1 ninety days from the date of receipt by the commission. Such
2 requests and advisory opinions, deleting the name and identity of
3 the requesting person, shall be compiled and published by the
4 commission on at least an annual basis. Advisory opinions issued
5 by the commission shall be maintained and made available for
6 public inspection and copying at the office of the commission
7 during normal business hours. Any advisory opinion or portion of
8 an advisory opinion rendered pursuant to this subsection shall be
9 withdrawn by the commission if, after hearing thereon, the joint
10 committee on administrative rules finds that such advisory
11 opinion is beyond or contrary to the statutory authority of the
12 commission or is inconsistent with the legislative intent of any
13 law enacted by the general assembly, and after the general
14 assembly, by concurrent resolution, votes to adopt the findings
15 and conclusions of the joint committee on administrative rules.
16 Any such concurrent resolution adopted by the general assembly
17 shall be published at length by the commission in its publication
18 of advisory opinions of the commission next following the
19 adoption of such resolution, and a copy of such concurrent
20 resolution shall be maintained by the commission, along with the
21 withdrawn advisory opinion, in its public file of advisory
22 opinions. The commission shall also send a copy of such
23 resolution to the person who originally requested the withdrawn
24 advisory opinion. Any advisory opinion issued by the ethics
25 commission shall act as legal direction to any person requesting
26 such opinion and no person shall be liable for relying on the
27 opinion and it shall act as a defense of justification against
28 prosecution. An advisory opinion of the commission shall not be

1 withdrawn unless:

2 (a) The authorizing statute is declared unconstitutional;

3 (b) The opinion goes beyond the power authorized by
4 statute; or

5 (c) The authorizing statute is changed to invalidate the
6 opinion.

7 (2) Upon request, the attorney general shall give the
8 attorney general's opinion, without fee, to the commission, any
9 elected official of the state or any political subdivision, any
10 member of the general assembly, or any director of any
11 department, division or agency of the state, upon any question of
12 law regarding the effect or application of sections 105.450 to
13 105.496, or chapter 130, RSMo. Such opinion need be in writing
14 only upon request of such official, member or director, and in
15 any event shall be rendered within sixty days that such request
16 is delivered to the attorney general.

17 17. The state auditor and the state auditor's duly
18 authorized employees who have taken the oath of confidentiality
19 required by section 29.070, RSMo, may audit the commission and in
20 connection therewith may inspect materials relating to the
21 functions of the commission. Such audit shall include a
22 determination of whether appropriations were spent within the
23 intent of the general assembly, but shall not extend to review of
24 any file or document pertaining to any particular investigation,
25 audit or review by the commission, an investigator or any staff
26 or person employed by the commission or under the supervision of
27 the commission or an investigator. The state auditor and any
28 employee of the state auditor shall not disclose the identity of

1 any person who is or was the subject of an investigation by the
2 commission and whose identity is not public information as
3 provided by law.

4 18. From time to time but no more frequently than annually
5 the commission may request the officials and entities described
6 in subdivision (6) of section 105.450 to identify for the
7 commission in writing those persons associated with such office
8 or entity which such office or entity has designated as a
9 decision-making public servant. Each office or entity delineated
10 in subdivision (6) of section 105.450 receiving such a request
11 shall identify those so designated within thirty days of the
12 commission's request.

13 191.225. 1. The department of health and senior services
14 shall make payments to [hospitals and physicians] appropriate
15 medical providers, out of appropriations made for that purpose,
16 to cover the [cost] charges of the [medical] forensic examination
17 [not covered by insurance, Medicare or Medicaid] of persons who
18 may be a victim of [the crime of rape as defined in section
19 566.030, RSMo, or a victim of a crime as defined in chapter 566,
20 RSMo, or sections 568.020, 568.050, 568.060, 568.080, 568.090,
21 568.110, and 568.175, RSMo,] a sexual offense if:

22 (1) The victim or the victim's guardian consents in writing
23 to the examination;

24 (2) The report of the examination is made on a form
25 approved by the attorney general with the advice of the
26 department of health and senior services; and

27 (3) The report of the examination is filed [by the victim]
28 with the prosecuting attorney of the county in which the alleged

1 incident occurred.

2 The appropriate medical provider shall file the report of the
3 examination within three business days of completion of the
4 forensic exam.

5 2. A minor may consent to examination under this section.
6 Such consent is not subject to disaffirmance because of minority,
7 and consent of parent or guardian of the minor is not required
8 for such examination. The [hospital or physician] appropriate
9 medical provider making the examination shall give written notice
10 to the parent or guardian of a minor that such an examination has
11 taken place.

12 3. The attorney general, with the advice of the department
13 of health and senior services, shall develop the forms and
14 procedures for gathering evidence during the forensic examination
15 under the provisions of this section [and shall furnish every
16 hospital and physician in this state with copies of such forms
17 and procedures.

18 4. Reasonable hospital and physicians]. The department of
19 health and senior services shall develop a checklist for
20 appropriate medical providers to refer to while providing medical
21 treatment to victims of a sexual offense.

22 4. Evidentiary collection kits shall be developed and made
23 available, subject to appropriation, to appropriate medical
24 providers by the highway patrol or its designees and eligible
25 crime laboratories. Such kits shall be distributed with the
26 forms and procedures for gathering evidence during forensic
27 examinations of victims of a sexual offense to appropriate

1 medical providers upon request of the provider, in the amount
2 requested, and at no charge to the medical provider. All
3 appropriate medical providers shall, with the written consent of
4 the victim, perform a forensic examination using the evidentiary
5 collection kit and forms and procedures for gathering evidence
6 following the checklist for any person presenting as a victim of
7 a sexual offense.

8 5. All appropriate medical provider charges for eligible
9 forensic examinations shall be billed to and paid by the
10 department of health and senior services. No appropriate medical
11 provider conducting forensic examinations and providing medical
12 treatment to victims of sexual offenses shall charge the victim
13 for the forensic examination. For appropriate medical provider
14 charges related to the medical treatment of victims of sexual
15 offenses, if the victim is an eligible claimant under the crime
16 victims' compensation fund, the appropriate medical provider
17 shall seek compensation under sections 595.010 to 595.075, RSMo.

18 6. For purposes of this section, the following terms mean:

19 (1) "Appropriate medical provider", any licensed nurse,
20 physician, or physician assistant, and any institution employing
21 licensed nurses, physicians, or physician assistants; provided
22 that such licensed professionals are the only persons at such
23 institution to perform tasks under the provisions of this
24 section;

25 (2) "Evidentiary collection kit", a kit used during a
26 forensic examination that includes materials necessary for
27 appropriate medical providers to gather evidence in accordance
28 with the forms and procedures developed by the attorney general

1 for forensic examinations;

2 (3) "Forensic examination", an examination performed by an
3 appropriate medical provider on a victim of an alleged sexual
4 offense to gather evidence for the evidentiary collection kit;

5 (4) "Medical treatment", the treatment of all injuries and
6 health concerns resulting directly from a patient's sexual
7 assault or victimization.

8 191.227. 1. All physicians, chiropractors, hospitals,
9 dentists, and other duly licensed practitioners in this state,
10 herein called "providers", shall, upon written request of a
11 patient, or guardian or legally authorized representative of a
12 patient, furnish a copy of his or her record of that patient's
13 health history and treatment rendered to the person submitting a
14 written request, except that such right shall be limited to
15 access consistent with the patient's condition and sound
16 therapeutic treatment as determined by the provider. Beginning
17 August 28, 1994, such record shall be furnished within a
18 reasonable time of the receipt of the request therefor and upon
19 payment of a fee as provided in this section.

20 2. Health care providers may condition the furnishing of
21 the patient's health care records to the patient, the patient's
22 authorized representative or any other person or entity
23 authorized by law to obtain or reproduce such records upon
24 payment of a fee for:

25 (1) Copying, in an amount [not more than seventeen] of
26 eighteen dollars and [five] forty-nine cents plus [forty] forty-
27 four cents per page for the cost of supplies and labor;

28 (2) Postage, to include packaging and delivery cost; and

1 (3) Certification and notary fee[, not to exceed two] of
2 eight dollars, if certification is requested.

3 3. Notwithstanding provisions of this section to the
4 contrary, providers may charge for the reasonable cost of all
5 duplications of health care record material or information which
6 cannot routinely be copied or duplicated on a standard commercial
7 photocopy machine.

8 4. The transfer of the patient's record done in good faith
9 shall not render the provider liable to the patient or any other
10 person for any consequences which resulted or may result from
11 disclosure of the patient's record as required by this section.

12 5. Effective February first of each year, the fees listed
13 in subsection 2 of this section shall be increased or decreased
14 annually based on the annual percentage change in the unadjusted,
15 U.S. city average, annual average inflation rate of the medical
16 care component of the Consumer Price Index for All Urban
17 Consumers (CPI-U). The current reference base of the index, as
18 published by the Bureau of Labor Statistics of the United States
19 Department of Labor, shall be used as the reference base. For
20 purposes of this subsection, the annual average inflation rate
21 shall be based on a twelve-month calendar year beginning in
22 January and ending in December of each preceding calendar year.
23 The department of health and senior services shall report the
24 annual adjustment and the adjusted fees authorized in this
25 section on the department's Internet web site by February first
26 of each year.

27 191.656. 1. (1) All information known to, and records
28 containing any information held or maintained by, any person, or

1 by any agency, department, or political subdivision of the state
2 concerning an individual's HIV infection status or the results of
3 any individual's HIV testing shall be strictly confidential and
4 shall not be disclosed except to:

5 (a) Public employees within the agency, department, or
6 political subdivision who need to know to perform their public
7 duties;

8 (b) Public employees of other agencies, departments, or
9 political subdivisions who need to know to perform their public
10 duties;

11 (c) Peace officers, as defined in section 590.100, RSMo,
12 the attorney general or any assistant attorneys general acting on
13 his or her behalf, as defined in chapter 27, RSMo, and
14 prosecuting attorneys or circuit attorneys as defined in chapter
15 56, RSMo, and pursuant to section 191.657;

16 (d) Prosecuting attorneys or circuit attorneys as defined
17 in chapter 56, RSMo, to prosecute cases pursuant to section
18 191.677 or 567.020, RSMo. Prosecuting attorneys or circuit
19 attorneys may obtain from the department of health and senior
20 services the contact information and test results of individuals
21 with whom the HIV-infected individual has had sexual intercourse
22 or deviate sexual intercourse. Any prosecuting attorney or
23 circuit attorney who receives information from the department of
24 health and senior services pursuant to the provisions of this
25 section shall use such information only for investigative and
26 prosecutorial purposes and such information shall be considered
27 strictly confidential and shall only be released as authorized by
28 this section;

1 (e) Persons other than public employees who are entrusted
2 with the regular care of those under the care and custody of a
3 state agency, including but not limited to operators of day care
4 facilities, group homes, residential care facilities and adoptive
5 or foster parents;

6 (f) As authorized by subsection 2 of this section;

7 (g) Victims of any sexual offense defined in chapter 566,
8 RSMo, which includes sexual intercourse or deviate sexual
9 intercourse, as an element of the crime or to a victim of a
10 section 566.135, RSMo, offense, in which the court, for good
11 cause shown, orders the defendant to be tested for HIV, hepatitis
12 B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the
13 charge is filed. Prosecuting attorneys or circuit attorneys, or
14 the department of health and senior services may release
15 information to such victims;

16 (h) Any individual who has tested positive or false
17 positive to HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,
18 or chlamydia, may request copies of any and all test results
19 relating to said infections.

20 (2) Further disclosure by public employees shall be
21 governed by subsections 2 and 3 of this section;

22 (3) Disclosure by a public employee or any other person in
23 violation of this section may be subject to civil actions brought
24 under subsection 6 of this section, unless otherwise required by
25 chapter 330, 332, 334, or 335, RSMo, pursuant to discipline taken
26 by a state licensing board.

27 2. (1) Unless the person acted in bad faith or with
28 conscious disregard, no person shall be liable for violating any

1 duty or right of confidentiality established by law for
2 disclosing the results of an individual's HIV testing:

3 (a) To the department of health and senior services;

4 (b) To health care personnel working directly with the
5 infected individual who have a reasonable need to know the
6 results for the purpose of providing direct patient health care;

7 (c) Pursuant to the written authorization of the subject of
8 the test result or results;

9 (d) To the spouse of the subject of the test result or
10 results;

11 (e) To the subject of the test result or results;

12 (f) To the parent or legal guardian or custodian of the
13 subject of the testing, if he is an unemancipated minor;

14 (g) To the victim of any sexual offense defined in chapter
15 566, RSMo, which includes sexual intercourse or deviate sexual
16 intercourse, as an element of the crime or to a victim of a
17 section 566.135, RSMo, offense, in which the court, for good
18 cause shown, orders the defendant to be tested for HIV, B,
19 hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge
20 is filed;

21 (h) To employees of a state licensing board in the
22 execution of their duties under chapter 330, 332, 334, or 335,
23 RSMo, pursuant to discipline taken by a state licensing board;

24 The department of health and senior services and its employees
25 shall not be held liable for disclosing an HIV-infected person's
26 HIV status to individuals with whom that person had sexual
27 intercourse or deviate sexual intercourse;

1 (2) Paragraphs (b) and (d) of subdivision (1) of this
2 subsection shall not be construed in any court to impose any duty
3 on a person to disclose the results of an individual's HIV
4 testing to a spouse or health care professional or other
5 potentially exposed person, parent or guardian;

6 (3) No person to whom the results of an individual's HIV
7 testing has been disclosed pursuant to paragraphs (b) and (c) of
8 subdivision (1) of this subsection shall further disclose such
9 results; except that prosecuting attorneys or circuit attorneys
10 may disclose such information to defense attorneys defending
11 actions pursuant to section 191.677 or 567.020, RSMo, under the
12 rules of discovery, or jurors or court personnel hearing cases
13 pursuant to section 191.677 or 567.020, RSMo. Such information
14 shall not be used or disclosed for any other purpose;

15 (4) When the results of HIV testing, disclosed pursuant to
16 paragraph (b) of subdivision (1) of this subsection, are included
17 in the medical record of the patient who is subject to the test,
18 the inclusion is not a disclosure for purposes of such paragraph
19 so long as such medical record is afforded the same
20 confidentiality protection afforded other medical records.

21 3. All communications between the subject of HIV testing
22 and a physician, hospital, or other person authorized by the
23 department of health and senior services who performs or conducts
24 HIV sampling shall be privileged communications.

25 4. The identity of any individual participating in a
26 research project approved by an institutional review board shall
27 not be reported to the department of health and senior services
28 by the physician conducting the research project.

1 5. The subject of HIV testing who is found to have HIV
2 infection and is aware of his or her HIV status shall disclose
3 such information to any health care professional from whom such
4 person receives health care services. Said notification shall be
5 made prior to receiving services from such health care
6 professional if the HIV-infected person is medically capable of
7 conveying that information or as soon as he or she becomes
8 capable of conveying that information.

9 6. Any individual aggrieved by a violation of this section
10 or regulations promulgated by the department of health and senior
11 services may bring a civil action for damages. If it is found in
12 a civil action that:

13 (1) A person has negligently violated this section, the
14 person is liable, for each violation, for:

15 (a) The greater of actual damages or liquidated damages of
16 one thousand dollars; and

17 (b) Court costs and reasonable attorney's fees incurred by
18 the person bringing the action; and

19 (c) Such other relief, including injunctive relief, as the
20 court may deem appropriate; or

21 (2) A person has willfully or intentionally or recklessly
22 violated this section, the person is liable, for each violation,
23 for:

24 (a) The greater of actual damages or liquidated damages of
25 five thousand dollars; and

26 (b) Exemplary damages; and

27 (c) Court costs and reasonable attorney's fees incurred by
28 the person bringing the action; and

1 (d) Such other relief, including injunctive relief, as the
2 court may deem appropriate.

3 7. No civil liability shall accrue to any health care
4 provider as a result of making a good faith report to the
5 department of health and senior services about a person
6 reasonably believed to be infected with HIV, or cooperating in
7 good faith with the department in an investigation determining
8 whether a court order directing an individual to undergo HIV
9 testing will be sought, or in participating in good faith in any
10 judicial proceeding resulting from such a report or
11 investigations; and any person making such a report, or
12 cooperating with such an investigation or participating in such a
13 judicial proceeding, shall be immune from civil liability as a
14 result of such actions so long as taken in good faith.

15 8. Notwithstanding the other provisions of this section,
16 nothing in this section shall be construed to require or justify:

17 (1) The closing of a court proceeding to the public in any
18 matter pending before a court of this state where the proceeding
19 would otherwise be held in open court; or

20 (2) The closing or sealing of a court record in any
21 criminal case brought under section 191.677 or section 567.020,
22 RSMo, where the record would otherwise be open to the public.

23 195.202. 1. Except as authorized by sections 195.005 to
24 195.425, it is unlawful for any person to possess or have under
25 his control a controlled substance.

26 2. Any person who violates this section with respect to any
27 controlled substance except thirty-five grams or less of
28 marijuana is guilty of a class C felony.

1 3. Any person who violates this section with respect to not
2 more than thirty-five grams of marijuana is guilty of a class A
3 misdemeanor.

4 4. Any person who violates subsection 2 of this section in
5 the presence of a person less than seventeen years of age or in a
6 residence where a person less than seventeen years of age resides
7 is guilty of a class B felony.

8 210.854. 1. In the event of the entry of a judgment of
9 paternity and support, a person against whom such a judgment has
10 been entered may file a petition requesting a circuit court with
11 jurisdiction over the subject child or children to set aside said
12 judgment in the interests of justice and upon the grounds set
13 forth in this section. Any such petition shall be served upon
14 the biological mother and any other legal guardian or custodian.

15 2. The petition shall include an affidavit executed by the
16 petitioner alleging that evidence exists which was not considered
17 before entry of judgment and either:

18 (1) An allegation that genetic testing was conducted within
19 ninety days prior to the filing of such petition using DNA
20 methodology to determine the probability or improbability of
21 paternity, and performed by an expert as defined in section
22 210.834. The affidavit shall also allege that the test results
23 indicate a ninety-nine percent or greater probability that the
24 person subject to the child support payment order is not the
25 child's father; or

26 (2) A request to the court for an order of genetic
27 paternity testing using DNA methodology.

28 3. The court, after a hearing wherein all interested

1 parties have been given an opportunity to present evidence and be
2 heard, may order the relevant parties to submit to genetic
3 paternity testing upon a finding of probable cause to believe
4 said testing may result in a determination of nonpaternity. The
5 genetic paternity testing costs shall be paid by the petitioner.

6 4. The court shall grant relief on the petition and enter
7 judgment setting aside the previous judgment of paternity and
8 support, or acknowledgment of paternity under section 210.823,
9 extinguish any existing child support arrearage, and order the
10 department of health and senior services to modify the child's
11 birth certificate accordingly upon a finding that the genetic
12 test referred to herein was properly conducted, accurate and
13 indicates a ninety-nine percent or greater probability that the
14 person subject to the child support payment order is not the
15 child's father.

16 5. The provisions of this section shall not apply to grant
17 relief to the parent of any adopted child.

18 6. A finding under subsection 4 of this section shall
19 constitute a material mistake of fact under section 210.823.

20 7. Notwithstanding any other provision of law to the
21 contrary, an action under this section may be brought at any
22 time.

23 8. The provisions of this section shall not be construed to
24 create a cause of action to recover child support or state debt,
25 under subdivision (2) of subsection 1 of section 454.465, RSMo,
26 and subsection 10 of section 425.340, RSMo, that was previously
27 paid pursuant to the order. The petitioner shall have no right
28 for reimbursement for any moneys previously paid pursuant to said

1 order.

2 302.341. 1. If a Missouri resident charged with a moving
3 traffic violation of this state or any county or municipality of
4 this state fails to dispose of the charges of which he or she is
5 accused through authorized prepayment of fine and court costs and
6 fails to appear on the return date or at any subsequent date to
7 which the case has been continued, or without good cause fails to
8 pay any fine or court costs assessed against him or her for any
9 such violation within the period of time specified or in such
10 installments as approved by the court or as otherwise provided by
11 law, any court having jurisdiction over the charges shall within
12 ten days of the failure to comply inform the defendant by
13 ordinary mail at the last address shown on the court records that
14 the court will order the director of revenue to suspend the
15 defendant's driving privileges if the charges are not disposed of
16 and fully paid within thirty days from the date of mailing.
17 Thereafter, if the defendant fails to timely act to dispose of
18 the charges and fully pay any applicable fines and court costs,
19 the court shall notify the director of revenue of such failure
20 and of the pending charges against the defendant. Upon receipt
21 of this notification, the director shall suspend the license of
22 the driver, effective immediately, and provide notice of the
23 suspension to the driver at the last address for the driver shown
24 on the records of the department of revenue. Such suspension
25 shall remain in effect until the court with the subject pending
26 charge requests setting aside the noncompliance suspension
27 pending final disposition, or satisfactory evidence of
28 disposition of pending charges and payment of fine and court

1 costs, if applicable, is furnished to the director by the
2 individual. Upon proof of disposition of charges and payment of
3 fine and court costs, if applicable, and payment of the
4 reinstatement fee as set forth in section 302.304, the director
5 shall reinstate the license. The filing of financial
6 responsibility with the bureau of safety responsibility,
7 department of revenue, shall not be required as a condition of
8 reinstatement of a driver's license suspended solely under the
9 provisions of this section.

10 2. If any city, town, or village receives more than
11 ~~[forty-five]~~ thirty-five percent of its ~~[total]~~ annual general
12 operating revenue from fines and court costs for traffic
13 violations occurring on state highways, all revenues from such
14 violations in excess of ~~[forty-five]~~ thirty-five percent of the
15 ~~[total]~~ annual general operating revenue of the city, town, or
16 village shall be sent to the director of the department of
17 revenue and shall be distributed annually to the schools of the
18 county in the same manner that proceeds of all penalties,
19 forfeitures and fines collected for any breach of the penal laws
20 of the state are distributed. For the purpose of this section
21 the words "state highways" shall mean any state or federal
22 highway, including any such highway continuing through the
23 boundaries of a city, town or village with a designated street
24 name other than the state highway number. If any city, town, or
25 village fails to send such excess revenues to the director of the
26 department of revenue in a timely fashion which shall be set
27 forth by the director by rule, such city, town, or village may
28 submit to an annual audit by the state auditor pursuant to the

1 authority of article IV, section 13 of the Missouri Constitution.
2 Any rule or portion of a rule, as that term is defined in section
3 536.010, RSMo, that is created under the authority delegated in
4 this section shall become effective only if it complies with and
5 is subject to all of the provisions of chapter 536, RSMo, and, if
6 applicable, section 536.028, RSMo. This section and chapter 536,
7 RSMo, are nonseverable and if any of the powers vested with the
8 general assembly pursuant to chapter 536, RSMo, to review, to
9 delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2007,
12 shall be invalid and void.

13 3. The provisions of subsection 2 of this section shall not
14 be applicable prior to January 1, 2010, for any city, town, or
15 village located in any county with a charter form of government
16 and with more than six hundred thousand but fewer than seven
17 hundred thousand inhabitants.

18 347.137. 1. A domestic limited liability company shall be
19 dissolved upon the occurrence of any of the following:

20 (1) Upon the happening of the events specified in the
21 operating agreement or in the articles of organization;

22 (2) Upon the written consent of all members;

23 (3) Except as otherwise provided in the operating
24 agreement, an event of withdrawal of a member, if a majority, by
25 number, of the remaining members agree within ninety days after
26 the occurrence of the event of withdrawal to dissolve the limited
27 liability company;

28 (4) [An event of withdrawal with respect to the sole

1 remaining member] At any time there are no members; provided,
2 that the limited liability company is not dissolved and is not
3 required to be wound up if:

4 (a) Unless otherwise provided in the operating agreement,
5 within ninety days or such other period as is provided for in the
6 operating agreement after the occurrence of the event that
7 terminated the continued membership of the last remaining member,
8 the personal representative, statutory or otherwise, of the last
9 remaining member agrees in writing to continue the limited
10 liability company and to the admission of such personal
11 representative of such member or its nominee or designee to the
12 limited liability company as a member, effective as of the
13 occurrence of the event that terminated the continued membership
14 of the last remaining member; provided, that the operating
15 agreement may provide that the personal representative, statutory
16 or otherwise, of the last remaining member shall be obligated to
17 agree in writing to continue the limited liability company and to
18 the admission of such personal representative of such member or
19 its nominee or designee to the limited liability company as a
20 member, effective as of the occurrence of the event that
21 terminated the continued membership of the last remaining member;
22 or

23 (b) A member is admitted to the limited liability company
24 in the manner provided for in the operating agreement, effective
25 as of the occurrence of the event that terminated the continued
26 membership of the last remaining member, within ninety days or
27 such other period as is provided for in the limited liability
28 company agreement after the occurrence of the event that

1 terminated the continued membership of the last remaining member,
2 under a provision of the operating agreement that specifically
3 provides for the admission of a member to the limited liability
4 company after there is no longer a remaining member of the
5 limited liability company;

6 (5) Entry of a decree of dissolution under section 347.143;
7 or

8 (6) When the limited liability company is not the surviving
9 entity in a merger or consolidation.

10 2. As soon as possible following the occurrence of any of
11 the events specified in subdivisions (1) to (4) of subsection 1
12 of this section effecting the dissolution of the limited
13 liability company, the limited liability company shall file a
14 notice of winding up with the secretary which discloses the
15 dissolution of the limited liability company and the commencement
16 of winding up of its business and affairs.

17 347.179. The secretary shall charge and collect:

18 (1) For filing the original articles of organization, a fee
19 of one hundred dollars;

20 (2) For filing the original articles of organization
21 online, in an electronic format prescribed by the secretary of
22 state, a fee of forty-five dollars;

23 (3) Applications for registration of foreign limited
24 liability companies and issuance of a certificate of registration
25 to transact business in this state, a fee of one hundred dollars;

26 ~~[(3)]~~ (4) Amendments to and restatements of articles of
27 limited liability companies to application for registration of a
28 foreign limited liability company or any other filing otherwise

1 provided for, a fee of twenty dollars;

2 [(4)] (5) Articles of termination of limited liability
3 companies or cancellation of registration of foreign limited
4 liability companies, a fee of twenty dollars;

5 [(5)] (6) For filing notice of merger or consolidation, a
6 fee of twenty dollars;

7 [(6)] (7) For filing a notice of winding up, a fee of
8 twenty dollars;

9 [(7)] (8) For issuing a certificate of good standing, a fee
10 of five dollars;

11 [(8)] (9) For a notice of the abandonment of merger or
12 consolidation, a fee of twenty dollars;

13 [(9)] (10) For furnishing a copy of any document or
14 instrument, a fee of fifty cents per page;

15 [(10)] (11) For accepting an application for reservation of
16 a name, or for filing a notice of the transfer or cancellation of
17 any name reservation, a fee of twenty dollars;

18 [(11)] (12) For filing a statement of change of address of
19 registered office or registered agent, or both, a fee of five
20 dollars;

21 [(12)] (13) For any service of notice, demand, or process
22 upon the secretary as resident agent of a limited liability
23 company, a fee of twenty dollars, which amount may be recovered
24 as taxable costs by the party instituting such suit, action, or
25 proceeding causing such service to be made if such party prevails
26 therein;

27 [(13)] (14) For filing an amended certificate of
28 registration a fee of twenty dollars; and

1 [(14)] (15) For filing a statement of correction a fee of
2 five dollars.

3 351.015. As used in this chapter, unless the context
4 otherwise requires:

5 (1) "Articles of incorporation" includes the original
6 articles of incorporation and all amendments thereto, and
7 includes articles of merger or consolidation;

8 (2) "Authorized shares" means the aggregate number of
9 shares of stock of all classes, whether with or without par
10 value, which the corporation is authorized to issue. Shares of
11 its own stock belonging to a corporation shall be deemed to be
12 "issued" shares but not "outstanding" shares;

13 (3) "Certificate of stock" means a written instrument
14 signed by or bearing the facsimile signature of the proper
15 corporate officers, as required by this chapter, evidencing the
16 fact that the person therein named is the holder of record of the
17 share or shares therein described;

18 (4) "Control share acquisition" means the acquisition,
19 directly or indirectly, by any person of ownership of, or the
20 power to direct the exercise of voting power with respect to,
21 issued and outstanding control shares. For the purposes of this
22 chapter, shares acquired within ninety days of any acquisition of
23 shares or shares acquired pursuant to a plan to make a control
24 share acquisition are considered to have been acquired in the
25 same acquisition. For the purposes of this chapter, a person who
26 acquires shares in the ordinary course of business for the
27 benefit of others in good faith and not for the purpose of
28 circumventing this chapter has voting power only of shares in

1 respect of which that person would be able to exercise or direct
2 the exercise of votes without further instruction from others.
3 The acquisition of any shares of an issuing public corporation
4 does not constitute a control share acquisition if the
5 acquisition is consummated in any of the following circumstances:

6 (a) Prior to June 13, 1984;

7 (b) Pursuant to a contract in existence prior to June 13,
8 1984;

9 (c) Pursuant to a will or other testamentary disposition,
10 the laws of descent and distribution or by intervivos gift where
11 such gift is made in good faith and not for the purpose of
12 circumventing section 351.407;

13 (d) Pursuant to a public offering, a private placement, or
14 any other issuance of shares by an issuing public corporation;

15 (e) By, on behalf of, or pursuant to any benefit or other
16 compensation plan or arrangement of an issuing public
17 corporation;

18 (f) Pursuant to the conversion of debt securities into
19 shares of an issuing public corporation under the terms of such
20 debt securities;

21 (g) Pursuant to a binding contract, other than any contract
22 created by, pursuant to, or in connection with a tender offer,
23 whereby the holders of shares representing at least two-thirds of
24 the voting power of an issuing public corporation, such holders
25 acting simultaneously, agreed to sell such shares to any person;

26 (h) Pursuant to the satisfaction of a pledge or other
27 security interest created in good faith and not for the purpose
28 of circumventing section 351.407;

1 (i) Pursuant to a merger or consolidation effected in
2 compliance with sections 351.410 to 351.458 if the issuing public
3 corporation is a party to the agreement of merger or
4 consolidation;

5 (j) Pursuant to a binding contract or other arrangement
6 with any individual, foreign or domestic corporation (whether or
7 not for profit), partnership, limited liability company,
8 unincorporated society or association, or other entity which, at
9 any time within one year prior to the acquisition in question,
10 owned shares representing more than fifty percent of the voting
11 power of the issuing public corporation;

12 (k) By or from any person whose shares have been previously
13 accorded voting rights pursuant to section 351.407; provided, the
14 acquisition entitles the person making the acquisition, directly
15 or indirectly, alone or as a part of a group, to exercise or
16 direct the exercise of voting power of the corporation in the
17 election of directors within a range of the voting power not in
18 excess of the range of voting power associated with the shares to
19 which voting rights have been previously accorded;

20 (5) "Control shares" means shares that, except for this
21 chapter, would have voting power with respect to shares of an
22 issuing public corporation that, when added to all other shares
23 of the issuing public corporation owned by a person or in respect
24 to which that person may exercise or direct the exercise of
25 voting power, would entitle that person, immediately after
26 acquisition of the shares, directly or indirectly, alone or as a
27 part of a group, to exercise or direct the exercise of the voting
28 power of the issuing public corporation in the election of

1 directors within any of the following ranges of voting power:

2 (a) One-fifth or more but less than one-third of all voting
3 power;

4 (b) One-third or more but less than a majority of all
5 voting power;

6 (c) A majority or more of all voting power; provided,
7 however, that shares which the person or the group have owned or
8 of which the person or the group could have exercised or directed
9 the voting for more than ten years shall not be deemed to be
10 "control shares" and shall not be aggregated for the purpose of
11 determining inclusion within the above-stated ranges;

12 (6) "Corporation" or "domestic corporation" includes
13 corporations organized under this chapter or subject to some or
14 all of the provisions of this chapter except a foreign
15 corporation;

16 (7) "Foreign corporation" means a corporation for profit
17 organized under laws other than the laws of this state;

18 (8) "Incorporator" means a signer of the original articles
19 of incorporation;

20 (9) "Interested shares" means the shares of an issuing
21 public corporation in respect of which any of the following
22 persons may exercise or direct the exercise of the voting power
23 of the corporation in the election of directors:

24 (a) An acquiring person or member of a group with respect
25 to a control share acquisition;

26 (b) Any officer of the issuing public corporation elected
27 or appointed by the directors of the issuing public corporation;

28 (c) Any employee of the issuing public corporation who is

1 also a director of such corporation;

2 (10) "Issuing public corporation", unless the articles of
3 incorporation provide otherwise as to the applicability of this
4 section, means a corporation that has a class of voting stock
5 registered with the securities and exchange commission under
6 section 12 of the Exchange Act and is either (a) a corporation
7 incorporated under the laws of the state of Missouri, or, (b)
8 subdivision (2) of section 351.690 notwithstanding, any insurance
9 company organized pursuant to the laws of Missouri and doing
10 business under the provisions of chapter 376, RSMo, provided that
11 the bylaws of such insurance company expressly state that such
12 insurance company shall, for the purposes of this chapter, be
13 included within the definition of "issuing public corporation"[,
14 that has:

15 (a) One hundred or more shareholders;

16 (b) Its principal place of business, its principal office,
17 or substantial assets within Missouri; and

18 (c) One of the following:

19 a. More than ten percent of its shareholders resident in
20 Missouri;

21 b. More than ten percent of its shares owned by Missouri
22 residents; or

23 c. Ten thousand shareholders resident in Missouri. The
24 residence of a shareholder is presumed to be the address
25 appearing in the records of the corporation. Shares held by
26 banks (except as trustee or guardian), brokers or nominees shall
27 be disregarded for purposes of calculating the percentages or
28 numbers described above];

1 (11) "Net assets", for the purpose of determining the right
2 of a corporation to purchase its own shares and of determining
3 the right of a corporation to declare and pay dividends and the
4 liabilities of directors therefor, shall not include shares of
5 its own stock belonging to a corporation;

6 (12) "Paid-in surplus" means all that part of the
7 consideration received by the corporation for, or on account of,
8 all shares issued which does not constitute stated capital minus
9 such formal reductions from said sum as may have been effected in
10 a manner permitted by this chapter;

11 (13) "Person" includes, without limitation, an individual,
12 a foreign or domestic corporation whether not for profit or for
13 profit, a partnership, a limited liability company, an
14 unincorporated society or association, two or more persons having
15 a joint or common interest, or any other entity;

16 (14) "Registered office" means that office maintained by
17 the corporation in this state, the address of which is on file in
18 the office of the secretary of state;

19 (15) "Shareholder" means one who is a holder of record of
20 shares in a corporation;

21 (16) "Shares" are the units into which the shareholders'
22 rights to participate in the control of the corporation, in its
23 surplus or profits, or in the distribution of its assets, are
24 divided;

25 (17) "Stated capital" means at any particular time the sum
26 of:

27 (a) The par value of all shares then issued having a par
28 value; and

1 (b) The consideration received by the corporation for all
2 shares then issued without par value except such part thereof as
3 may have been allocated otherwise than to stated capital in a
4 manner permitted by law; and

5 (c) Such amounts not included in paragraphs (a) and (b) of
6 this subdivision as may have been transferred to the stated
7 capital account of the corporation, whether upon the issue of
8 shares as a share dividend or otherwise, minus such formal
9 reductions from said sum as may have been effected in a manner
10 permitted by this chapter;

11 (18) "Subscriber" means one who subscribes for shares in a
12 corporation, whether before or after incorporation.

13 351.047. The secretary of state may prescribe and furnish
14 on request forms for all documents required or permitted to be
15 filed by this chapter. The use of the following forms is
16 mandatory:

17 (1) A foreign corporation's application for a certificate
18 of authority to do business in this state;

19 (2) A foreign corporation's application for a certificate
20 of withdrawal;

21 (3) A corporation's [annual] corporate registration report.

22 351.120. 1. Every corporation organized pursuant to the
23 laws of this state, including corporations organized pursuant to
24 or subject to this chapter, and every foreign corporation
25 licensed to do business in this state, whether such license shall
26 have been issued pursuant to this chapter or not, other than
27 corporations exempted from taxation by the laws of this state,
28 shall file [an annual corporation] a corporate registration

1 report.

2 2. The [annual] corporate registration report shall state
3 the corporate name, the name of its registered agent and such
4 agent's Missouri physical address, giving street and number, or
5 building and number, or both, as the case may require, the name
6 and correct business or residence address of its officers and
7 directors, and the mailing address of the corporation's principal
8 place of business or corporate headquarters.

9 3. The [annual] corporate registration report shall be
10 filed annually, except as provided in section 351.122, and shall
11 be due the month that the corporation incorporated or qualified,
12 unless changed by the corporation under subsection 8 of this
13 section. Corporations existing prior to July 1, 2003, shall file
14 the [annual] corporate registration report on the month indicated
15 on the corporation's last [annual] corporate registration report.
16 Corporations formed on or after July 1, 2003, shall file [an
17 annual] a corporate registration report within thirty days of the
18 date of incorporation or qualification and every year thereafter,
19 except as provided in section 351.122, in the month that they
20 were incorporated or qualified, unless such month is changed by
21 the corporation under subsection 8 of this section.

22 4. The [annual] corporate registration report shall be
23 signed by an officer or authorized person.

24 5. In the event of any error in the names and addresses of
25 the officers and directors set forth in [an annual] a corporate
26 registration report, the corporation may correct such information
27 by filing a certificate of correction pursuant to section
28 351.049.

1 6. A corporation may change the corporation's registered
2 office or registered agent with the filing of the corporation's
3 [annual] corporate registration report. To change the
4 corporation's registered agent with the filing of the [annual]
5 corporate registration report, the corporation must include the
6 new registered agent's written consent to the appointment as
7 registered agent and a written consent stating that such change
8 in registered agents was authorized by resolution duly adopted by
9 the board of directors. The written consent must be signed by
10 the new registered agent and must include such agent's address.
11 If the [annual] corporate registration report is not completed
12 correctly, the secretary of state may reject the filing of such
13 report.

14 7. A corporation's [annual] corporate registration report
15 must be filed in a format as prescribed by the secretary of
16 state.

17 8. A corporation may change the month of its corporate
18 registration report in the corporation's initial corporate
19 registration report or a subsequent report. To change its filing
20 month, a corporation shall designate the desired month in its
21 corporate registration report and include with that report an
22 additional fee of twenty dollars. After a corporation
23 registration report designating a new filing month is filed by
24 the secretary of state, the corporation's next corporate
25 registration report shall be filed in the newly designated month
26 in the next year in which a report is due under subsection 3 of
27 this section or under section 351.122.

28 351.122. 1. Notwithstanding the provisions of section

351.120 to the contrary, beginning January 1, 2008, the secretary of state may provide corporations the option of biennially filing corporate registration reports. Any corporation incorporated or qualified in an even-numbered year may file a biennial corporate registration report only in an even-numbered calendar year, and any corporation incorporated or qualified in an odd-numbered year may file a biennial corporate registration report only in an odd-numbered calendar year, subject to the following requirements:

(1) The fee paid at the time of biennial registration shall be eighty dollars if the report is filed in a written format. The fee shall be thirty dollars if the report is filed via an electronic format prescribed by the secretary of state;

(2) A corporation's biennial corporate registration report shall be filed in a format as prescribed by the secretary of state;

(3) The secretary of state may collect an additional fee of ten dollars for each biennial corporate registration report filed under this section. Such fee shall be deposited into the state treasury and credited to the secretary of state's technology trust fund account.

2. Once a corporation chooses the option of biennial registration, such registration shall be maintained for the full twenty-four month period. Once the twenty-four month period has expired and another corporate registration report is due, a corporation may choose to file an annual registration report under section 351.120. However, upon making such choice the corporation may later only choose to file a biennial corporate registration report in a year appropriate under subsection 1 of

1 this section, based on the year in which the corporation was
2 incorporated.

3 3. The secretary of state may promulgate rules for the
4 effective administration of this section. Any rule or portion of
5 a rule, as that term is defined in section 536.010, RSMo, that is
6 created under the authority delegated in this section shall
7 become effective only if it complies with and is subject to all
8 of the provisions of chapter 536, RSMo, and, if applicable,
9 section 536.028, RSMo. This section and chapter 536, RSMo, are
10 nonseverable and if any of the powers vested with the general
11 assembly pursuant to chapter 536, RSMo, to review, to delay the
12 effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2007,
15 shall be invalid and void.

16 351.125. Every corporation required to register under the
17 provisions of this chapter shall pay to the state a fee of forty
18 dollars for its [annual] corporate registration if the report is
19 filed in a written format. The fee is fifteen dollars for each
20 [annual] corporate registration report filed via an electronic
21 format prescribed by the secretary of state. Biennial corporate
22 registration reports filed under section 351.122 shall require
23 the fee prescribed in that section. If a corporation fails to
24 file a corporation registration report when due, it shall be
25 assessed, in addition to its regular registration fee, a late fee
26 of fifteen dollars for each thirty-day period within which the
27 registration report is filed whether in writing or in an
28 electronic format. If the registration report is not filed

1 within ninety days, [the corporation shall forfeit its charter]
2 the secretary of state may proceed with administrative
3 dissolution of such corporation under sections 351.484 and
4 351.486.

5 351.127. The secretary of state may collect an additional
6 fee of five dollars on each and every fee required in this
7 chapter, provided that the secretary of state may collect an
8 additional fee of ten dollars on each corporate registration
9 report fee filed under section 351.122. All fees collected as
10 provided in this section shall be deposited in the state treasury
11 and credited to the secretary of state's technology trust fund
12 account. The provisions of this section shall expire on December
13 31, 2009.

14 351.145. It shall be the duty of the secretary of state to
15 send notice that the [annual] corporate registration report is
16 due to each corporation in this state required to register. The
17 notice shall be directed to its registered office as disclosed
18 originally by its articles of incorporation or by its application
19 for a certificate of authority to transact business in this state
20 and thereafter as disclosed by its immediately preceding
21 corporate registration [for the year preceding] report, as
22 provided by law. The secretary of state may provide a form of
23 the [annual] corporate registration report for filing in a format
24 and medium prescribed by the secretary of state.

25 351.155. It shall be the duty of the secretary of state to
26 furnish forms of [annual] corporate registration reports to any
27 corporation upon request to any representative of the
28 corporation, but no such form of the [annual] corporate

1 registration report shall be furnished unless the name of the
2 corporation for which [they are] it is desired shall accompany
3 the request.

4 351.459. 1. For the purposes of this section, the
5 following terms mean:

6 (1) "Affiliate", a person that directly, or indirectly
7 through one or more intermediaries, controls, or is controlled
8 by, or is under common control with, a specified person;

9 (2) "Announcement date", when used in reference to any
10 business combination, means the date of the first public
11 announcement of the final, definitive proposal for such business
12 combination;

13 (3) "Associate", when used to indicate a relationship with
14 any person, means any corporation or organization of which such
15 person is an officer or partner or is, directly or indirectly,
16 the beneficial owner of ten percent or more of any class of
17 voting stock, any trust or other estate in which such person has
18 a substantial beneficial interest or as to which such person
19 serves as trustee or in a similar fiduciary capacity, and any
20 relative or spouse of such person, or any relative of such
21 spouse, who has the same home as such person;

22 (4) "Beneficial owner", when used with respect to any
23 stock, means a person that:

24 (a) Individually or with or through any of its affiliates
25 or associates, beneficially owns such stock, directly or
26 indirectly; or

27 (b) Individually or with or through any of its affiliates
28 or associates, has the right to acquire such stock, whether such

1 right is exercisable immediately or only after the passage of
2 time, pursuant to any agreement, arrangement or understanding,
3 whether or not in writing, or upon the exercise of conversion
4 rights, exchange rights, warrants or options, or otherwise;
5 provided, however, that a person shall not be deemed the
6 beneficial owner of stock tendered pursuant to a tender or
7 exchange offer made by such person or any of such person's
8 affiliates or associates until such tendered stock is accepted
9 for purchase or exchange; or the right to vote such stock
10 pursuant to any agreement, arrangement or understanding, whether
11 or not in writing; provided, however, that a person shall not be
12 deemed the beneficial owner of any stock under this item if the
13 agreement, arrangement or understanding to vote such stock arises
14 solely from a revocable proxy or consent given in response to a
15 proxy or consent solicitation made in accordance with the
16 applicable rules and regulations under the Exchange Act and is
17 not then reportable on a Schedule 13D under the Exchange Act, or
18 any comparable or successor report; or

19 (c) Has any agreement, arrangement or understanding,
20 whether or not in writing, for the purpose of acquiring, holding,
21 voting, except voting pursuant to a revocable proxy or consent as
22 described in paragraph (b) of this subdivision, or disposing of
23 such stock with any other person that beneficially owns, or whose
24 affiliates or associates beneficially own, directly or
25 indirectly, such stock;

26 (5) "Business combination", when used in reference to any
27 [resident] domestic corporation and any interested shareholder of
28 such [resident] domestic corporation, means:

1 (a) Any merger or consolidation of such [resident] domestic
2 corporation or any subsidiary of such [resident] domestic
3 corporation with such interested shareholder or any other
4 corporation, whether or not itself an interested shareholder of
5 such [resident] domestic corporation, which is, or after such
6 merger or consolidation would be, an affiliate or associate of
7 such interested shareholder;

8 (b) Any sale, lease, exchange, mortgage, pledge, transfer
9 or other disposition, in one transaction or a series of
10 transactions to or with such interested shareholder or any
11 affiliate or associate of such interested shareholder of assets
12 of such [resident] domestic corporation or any subsidiary of such
13 [resident] domestic corporation having an aggregate market value
14 equal to ten percent or more of the aggregate market value of all
15 the assets, determined on a consolidated basis, of such
16 [resident] domestic corporation, having an aggregate market value
17 equal to ten percent or more of the aggregate market value of all
18 the outstanding stock of such [resident] domestic corporation, or
19 representing ten percent or more of the earning power or net
20 income, determined on a consolidated basis, of such [resident]
21 domestic corporation;

22 (c) The issuance or transfer by such [resident] domestic
23 corporation or any subsidiary of such [resident] domestic
24 corporation, in one transaction or a series of transactions, of
25 any stock of such [resident] domestic corporation or any
26 subsidiary of such [resident] domestic corporation which has an
27 aggregate market value equal to five percent or more of the
28 aggregate market value of all the outstanding stock of such

1 [resident] domestic corporation to such interested shareholder or
2 any affiliate or associate of such interested shareholder except
3 pursuant to the exercise of warrants or rights to purchase stock
4 offered, or a dividend or distribution paid or made, pro rata to
5 all shareholders of such [resident] domestic corporation;

6 (d) The adoption of any plan or proposal for the
7 liquidation or dissolution of such [resident] domestic
8 corporation proposed by, or pursuant to any agreement,
9 arrangement or understanding, whether or not in writing, with
10 such interested shareholder or any affiliate or associate of such
11 interested shareholder;

12 (e) Any reclassification of securities, including, without
13 limitation, any stock split, stock dividend, or other
14 distributions of stock in respect of stock, or any reverse stock
15 split, or recapitalization of such [resident] domestic
16 corporation, or any merger or consolidation of such [resident]
17 domestic corporation with any subsidiary of such [resident]
18 domestic corporation, or any other transaction, whether or not
19 with or into or otherwise involving such interested shareholder,
20 proposed by, or pursuant to any agreement, arrangement or
21 understanding, whether or not in writing, with such interested
22 shareholder or any affiliate or associate of such interested
23 shareholder, which has the effect, directly or indirectly, of
24 increasing the proportionate share of the outstanding shares of
25 any class or series of voting stock or securities convertible
26 into voting stock of such [resident] domestic corporation or any
27 subsidiary of such [resident] domestic corporation which is
28 directly or indirectly owned by such interested shareholder or

1 any affiliate or associate of such interested shareholder, except
2 as a result of immaterial changes due to fractional share
3 adjustments; or

4 (f) Any receipt by such interested shareholder or any
5 affiliate or associate of such interested shareholder of the
6 benefit, directly or indirectly, except proportionately as a
7 shareholder of such [resident] domestic corporation, of any
8 loans, advances, guarantees, pledges or other financial
9 assistance or any tax credits or other tax advantages provided by
10 or through such [resident] domestic corporation;

11 (6) "Common stock", any stock other than preferred stock;

12 (7) "Consummation date", with respect to any business
13 combination, means the date of consummation of such business
14 combination, or, in the case of a business combination as to
15 which a shareholder vote is taken, the later of the business day
16 prior to the vote or twenty days prior to the date of
17 consummation of such business combination;

18 (8) "Control", including the terms "controlling",
19 "controlled by" and "under common control with", the possession,
20 directly or indirectly, of the power to direct or cause the
21 direction of the management and policies of a person, whether
22 through the ownership of voting stock, by contract, or otherwise.
23 A person's beneficial ownership of ten percent or more of a
24 corporation's outstanding voting stock shall create a presumption
25 that such person has control of such corporation. Notwithstanding
26 the foregoing, a person shall not be deemed to have control of a
27 corporation if such person holds voting stock, in good faith and
28 not for the purpose of circumventing this section, as an agent,

1 bank, broker, nominee, custodian or trustee for one or more
2 beneficial owners who do not individually or as a group have
3 control of such corporation;

4 (9) "Domestic corporation", a corporation incorporated
5 under the laws of the state of Missouri;

6 (10) "Exchange Act", the act of Congress known as the
7 "Securities Exchange Act of 1934", as the same has been or
8 hereafter may be amended from time to time;

9 [(10)] (11) "Interested shareholder", when used in
10 reference to any [resident] domestic corporation, any person,
11 other than such [resident] domestic corporation or any subsidiary
12 of such resident domestic corporation, that:

13 (a) Is the beneficial owner, directly or indirectly, of
14 twenty percent or more of the outstanding voting stock of such
15 [resident] domestic corporation; or

16 (b) Is an affiliate or associate of such [resident]
17 domestic corporation and at any time within the five-year period
18 immediately prior to the date in question was the beneficial
19 owner, directly or indirectly, of twenty percent or more of the
20 then outstanding voting stock of such [resident] domestic
21 corporation; provided that, for the purpose of determining
22 whether a person is an interested shareholder, the number of
23 shares of voting stock of such [resident] domestic corporation
24 deemed to be outstanding shall include shares deemed to be
25 beneficially owned by the person through application of
26 subdivision (4) of this subsection but shall not include any
27 other unissued shares of voting stock of such [resident] domestic
28 corporation which may be issuable pursuant to any agreement,

1 arrangement or understanding, or upon exercise of conversion
2 rights, warrants or options, or otherwise;

3 [(11)] (12) "Market value", when used in reference to stock
4 or property of any [resident] domestic corporation, means:

5 (a) In the case of stock, the highest closing sale price
6 during the thirty-day period immediately preceding the date in
7 question of a share of such stock on the composite tape for New
8 York stock exchange listed stocks, or, if such stock is not
9 quoted on such composite tape or if such stock is not listed on
10 such exchange, on the principal United States securities exchange
11 registered under the Exchange Act on which such stock is listed,
12 or, if such stock is not listed on any such exchange, the highest
13 closing bid quotation with respect to a share of such stock
14 during the thirty-day period preceding the date in question on
15 the National Association of Securities Dealers, Inc., Automated
16 Quotations System or any system then in use, or if no such
17 quotations are available, the fair market value on the date in
18 question of a share of such stock as determined by the board of
19 directors of such [resident] domestic corporation in good faith;
20 and

21 (b) In the case of property other than cash or stock, the
22 fair market value of such property on the date in question as
23 determined by the board of directors of such [resident] domestic
24 corporation in good faith;

25 [(12)] (13) "Preferred stock", any class or series of stock
26 of a [resident] domestic corporation which under the bylaws or
27 articles of incorporation of such [resident] domestic corporation
28 is entitled to receive payment of dividends prior to any payment

1 of dividends on some other class or series of stock, or is
2 entitled in the event of any voluntary liquidation, dissolution
3 or winding up of the [resident] domestic corporation to receive
4 payment or distribution of a preferential amount before any
5 payments or distributions are received by some other class or
6 series of stock;

7 [(13) "Resident domestic corporation", a corporation
8 incorporated under the laws of the state of Missouri that has:

9 (a) One hundred or more shareholders;

10 (b) Its principal place of business, its principal office,
11 or substantial assets within Missouri; and

12 (c) One of the following:

13 a. More than ten percent of its shareholders resident in
14 Missouri;

15 b. More than ten percent of its shares owned by Missouri
16 residents; or

17 c. Ten thousand shareholders resident in Missouri.

18 For purposes of this section, reference to shareholders or
19 ownership of shares shall refer to ownership of voting stock; the
20 residence of a partnership, unincorporated association, trust or
21 similar organization shall be the principal office of such
22 organization; the residence of a shareholder shall otherwise be
23 presumed to be the address appearing in the records of the
24 corporation; and shares held by banks (except as trustee or
25 guardian), brokers or nominees shall be disregarded for purposes
26 of calculating the percentages or numbers described above. No
27 resident domestic corporation, which is organized under the laws

1 of this state, shall cease to be a resident domestic corporation
2 by reason of events occurring or actions taken while such
3 resident domestic corporation is subject to the provisions of
4 this section;]

5 (14) "Stock" means:

6 (a) Any stock or similar security, any certificate of
7 interest, any participation in any profit-sharing agreement, any
8 voting trust certificate, or any certificate of deposit for
9 stock; and

10 (b) Any security convertible, with or without
11 consideration, into stock, or any warrant, call or other option
12 or privilege of buying stock without being bound to do so, or any
13 other security carrying any right to acquire, subscribe to or
14 purchase stock;

15 (15) "Stock acquisition date", with respect to any person
16 and any [resident] domestic corporation, means the date that such
17 person first becomes an interested shareholder of such [resident]
18 domestic corporation;

19 (16) "Subsidiary" of any [resident] domestic corporation,
20 means any other corporation of which voting stock, having a
21 majority of the outstanding voting stock of such other
22 corporation, is owned, directly or indirectly, by such [resident]
23 domestic corporation;

24 (17) "Voting stock", shares of capital stock of a
25 corporation entitled to vote generally in the election of
26 directors.

27 2. Notwithstanding anything to the contrary contained in
28 this section, except the provisions of subsection 4 of this

1 section, no [resident] domestic corporation shall engage in any
2 business combination with any interested shareholder of such
3 [resident] domestic corporation for a period of five years
4 following such interested shareholder's stock acquisition date
5 unless such business combination or the purchase of stock made by
6 such interested shareholder on such interested shareholder's
7 stock acquisition date is approved by the board of directors of
8 such [resident] domestic corporation on or prior to such stock
9 acquisition date. If a good faith proposal is made in writing to
10 the board of directors of such [resident] domestic corporation
11 regarding a business combination, the board of directors shall
12 respond, in writing, within sixty days or such shorter period, if
13 any, as may be required by the Exchange Act, setting forth its
14 reasons for its decision regarding such proposal. If a good
15 faith proposal to purchase stock is made in writing to the board
16 of directors of such [resident] domestic corporation, the board
17 of directors, unless it responds affirmatively in writing within
18 sixty days or such shorter period, if any, as may be required by
19 the Exchange Act, shall be deemed to have disapproved such stock
20 purchase.

21 3. Notwithstanding anything to the contrary contained in
22 this section, except the provisions of subsections 2 and 4 of
23 this section, no [resident] domestic corporation shall engage at
24 any time in any business combination with any interested
25 shareholder of such [resident] domestic corporation other than
26 any of the following business combinations:

27 (1) A business combination approved by the board of
28 directors of such [resident] domestic corporation prior to such

1 interested shareholder's stock acquisition date, or where the
2 purchase of stock made by such interested shareholder on such
3 interested shareholder's stock acquisition date had been approved
4 by the board of directors of such [resident] domestic corporation
5 prior to such interested shareholder's stock acquisition date;

6 (2) A business combination approved by the affirmative vote
7 of the holders of a majority of the outstanding voting stock not
8 beneficially owned by such interested shareholder or any
9 affiliate or associate of such interested shareholder at a
10 meeting called for such purpose no earlier than five years after
11 such interested shareholder's stock acquisition date;

12 (3) A business combination that meets all of the following
13 conditions:

14 (a) The aggregate amount of the cash and the market value
15 as of the consummation date of consideration other than cash to
16 be received per share by holders of outstanding shares of common
17 stock of such [resident] domestic corporation in such business
18 combination is at least equal to the higher of the following:

19 a. The highest per share price paid by such interested
20 shareholder at a time when he was the beneficial owner, directly
21 or indirectly, of five percent or more of the outstanding voting
22 stock of such [resident] domestic corporation, for any shares of
23 common stock of the same class or series acquired by it within
24 the five-year period immediately prior to the announcement date
25 with respect to such business combination, or within the
26 five-year period immediately prior to, or in, the transaction in
27 which such interested shareholder became an interested
28 shareholder, whichever is higher; plus, in either case, interest

1 compounded annually from the earliest date on which such highest
2 per share acquisition price was paid through the consummation
3 date at the rate for one-year United States treasury obligations
4 from time to time in effect; less the aggregate amount of any
5 cash dividends paid, and the market value of any dividends paid
6 other than in cash, per share of common stock since such earliest
7 date, up to the amount of such interest; and

8 b. The market value per share of common stock on the
9 announcement date with respect to such business combination or on
10 such interested shareholder's stock acquisition date, whichever
11 is higher; plus interest compounded annually from such date
12 through the consummation date at the rate for one-year United
13 States treasury obligations from time to time in effect; less the
14 aggregate amount of any cash dividends paid, and the market value
15 of any dividends paid other than in cash, per share of common
16 stock since such date, up to the amount of such interest;

17 (b) The aggregate amount of the cash and the market value
18 as of the consummation date of consideration other than cash to
19 be received per share by holders of outstanding shares of any
20 class or series of stock, other than common stock, of such
21 [resident] domestic corporation is at least equal to the highest
22 of the following, whether or not such interested shareholder has
23 previously acquired any shares of such class or series of stock:

24 a. The highest per share price paid by such interested
25 shareholder at a time when he was the beneficial owner, directly
26 or indirectly, of five percent or more of the outstanding voting
27 stock of such [resident] domestic corporation, for any shares of
28 such class or series of stock acquired by him within the

1 five-year period immediately prior to the announcement date with
2 respect to such business combination, or within the five-year
3 period immediately prior to, or in, the transaction in which such
4 interested shareholder became an interested shareholder,
5 whichever is higher; plus, in either case, interest compounded
6 annually from the earliest date on which such highest per share
7 acquisition price was paid through the consummation date at the
8 rate for one-year United States treasury obligations from time to
9 time in effect; less the aggregate amount of any cash dividends
10 paid, and the market value of any dividends paid other than in
11 cash, per share of such class or series of stock since such
12 earliest date, up to the amount of such interest;

13 b. The highest preferential amount per share to which the
14 holders of shares of such class or series of stock are entitled
15 in the event of any voluntary liquidation, dissolution or winding
16 up of such [resident] domestic corporation, plus the aggregate
17 amount of any dividends declared or due as to which such holders
18 are entitled prior to payment of dividends on some other class or
19 series of stock, unless the aggregate amount of such dividends is
20 included in such preferential amount; and

21 c. The market value per share of such class or series of
22 stock on the announcement date with respect to such business
23 combination or on such interested shareholder's stock acquisition
24 date, whichever is higher; plus interest compounded annually from
25 such date through the consummation date at the rate for one-year
26 United States treasury obligations from time to time in effect;
27 less the aggregate amount of any cash dividends paid, and the
28 market value of any dividends paid other than in cash, per share

1 of such class or series of stock since such date, up to the
2 amount of such interest;

3 (c) The consideration to be received by holders of a
4 particular class or series of outstanding stock, including common
5 stock, of such [resident] domestic corporation in such business
6 combination is in cash or in the same form as the interested
7 shareholder has used to acquire the largest number of shares of
8 such class or series of stock previously acquired by it, and such
9 consideration shall be distributed promptly;

10 (d) The holders of all outstanding shares of stock of such
11 [resident] domestic corporation not beneficially owned by such
12 interested shareholder immediately prior to the consummation of
13 such business combination are entitled to receive in such
14 business combination cash or other consideration for such shares
15 in compliance with paragraphs (a), (b) and (c) of this
16 subdivision;

17 (e) After such interested shareholder's stock acquisition
18 date and prior to the consummation date with respect to such
19 business combination, such interested shareholder has not become
20 the beneficial owner of any additional shares of voting stock of
21 such [resident] domestic corporation except:

22 a. As part of the transaction which resulted in such
23 interested shareholder becoming an interested shareholder;

24 b. By virtue of proportionate stock splits, stock dividends
25 or other distributions of stock in respect of stock not
26 constituting a business combination under paragraph (e) of
27 subdivision (5) of subsection 1 of this section;

28 c. Through a business combination meeting all of the

conditions of subsection 2 of this section and this subsection;
or

d. Through purchase by such interested shareholder at any price which, if such price had been paid in an otherwise permissible business combination the announcement date and consummation date of which were the date of such purchase, would have satisfied the requirements of paragraphs (a), (b) and (c) of this subdivision.

4. The provisions of this section shall not apply to:

(1) Any business combination of a [resident] domestic corporation that does not have a class of voting stock registered with the securities and exchange commission pursuant to Section 12 of the Exchange Act, unless the articles of incorporation provide otherwise; or

(2) Any business combination of a [resident] domestic corporation whose articles of incorporation have been amended to provide that such [resident] domestic corporation shall be subject to the provisions of this section, which did not have a class of voting stock registered with the securities and exchange commission pursuant to Section 12 of the Exchange Act on the effective date of such amendment, and which is a business combination with an interested shareholder whose stock acquisition date is prior to the effective date of such amendment; or

(3) Any business combination of a [resident] domestic corporation the original articles of incorporation of which contain a provision expressly electing not to be governed by this section, or which adopts an amendment to such [resident] domestic

1 corporation's bylaws prior to August 1, 1986, expressly electing
2 not to be governed by this section, or which adopts an amendment
3 to such [resident] domestic corporation's bylaws, approved by the
4 affirmative vote of the holders, other than interested
5 shareholders and their affiliates and associates, expressly
6 electing not to be governed by this section, provided that such
7 amendment to the bylaws shall not be effective until eighteen
8 months after such vote of such [resident] domestic corporation's
9 shareholders and shall not apply to any business combination of
10 such [resident] domestic corporation with an interested
11 shareholder whose stock acquisition date is on or prior to the
12 effective date of such amendment; or

13 (4) Any business combination of a [resident] domestic
14 corporation with an interested shareholder of such [resident]
15 domestic corporation which became an interested shareholder
16 inadvertently, if such interested shareholder as soon as
17 practicable, divests itself of a sufficient amount of the voting
18 stock of such [resident] domestic corporation so that it no
19 longer is the beneficial owner, directly or indirectly, of twenty
20 percent or more of the outstanding voting stock of such
21 [resident] domestic corporation, and would not at any time within
22 the five-year period preceding the announcement date with respect
23 to such business combination have been an interested shareholder
24 but for such inadvertent acquisition;

25 (5) Any business combination with an interested shareholder
26 who was the beneficial owner, directly or indirectly, of five
27 percent or more of the outstanding voting stock of such
28 [resident] domestic corporation on December 1, 1985, and remained

1 so to such interested shareholder's stock acquisition date;

2 (6) Any business combination with an interested shareholder
3 or any of its affiliates or associates, provided that such
4 interested shareholder became an interested shareholder at a time
5 when the restrictions contained in this section did not apply by
6 reason of:

7 (a) Any of subdivisions (1) through (5) of this subsection;
8 or

9 (b) The fact that the corporation was not then a [resident]
10 domestic corporation, provided, however, that this subdivision
11 shall not apply if, at the time such interested shareholder
12 became an interested shareholder, the corporation's articles of
13 incorporation contained a provision authorized by the last
14 sentence of this subsection. This subdivision shall apply
15 regardless of whether the stock acquisition date of such
16 interested shareholder occurred prior to August 28, 1999.

17 Notwithstanding subdivisions (1), (2), (3), (4) and (5) of this
18 subsection, a corporation, whether or not a [resident] domestic
19 corporation, may elect by a provision of its original articles of
20 incorporation or any amendment thereto to be governed by this
21 section; provided that any such amendment to the articles of
22 incorporation shall not apply to restrict a business combination
23 between the corporation and an interested shareholder of the
24 corporation or any of its affiliates or associates if the
25 interested shareholder became such prior to the effective date of
26 the amendment.

27 351.484. The secretary of state may commence a proceeding

pursuant to section 351.486 to dissolve a corporation
administratively if:

(1) The corporation fails to pay any final assessment of
Missouri corporation franchise tax as provided in chapter 147,
RSMo, and the director of revenue has notified the secretary of
state of such failure;

(2) The corporation fails or neglects to file the Missouri
corporation franchise tax report required pursuant to chapter
147, RSMo, provided the director of revenue has provided a place
on both the individual and corporation income tax return to
indicate no such tax is due and provided the director has
delivered or mailed at least two notices of such failure to file
to the usual place of business of such corporation or the
corporation's last known address and the corporation has failed
to respond to such second notice within thirty days of the date
of mailing of the second notice and the director of revenue has
notified the secretary of state of such failure;

(3) The corporation fails to file any corporation income
tax return or pay any final assessment of corporation income tax
as provided in chapter 143, RSMo, and the director of revenue has
notified the secretary of state of such failure;

(4) The corporation does not deliver its [annual] corporate
registration report to the secretary of state within [thirty]
ninety days after it is due;

(5) The corporation is without a registered agent or
registered office in this state for thirty days or more;

(6) The corporation does not notify the secretary of state
within thirty days that its registered agent or registered office

1 has been changed, that its registered agent has resigned, or that
2 its registered office has been discontinued;

3 (7) The corporation's period of duration stated in its
4 articles of incorporation expires;

5 (8) The corporation procures its franchise through fraud
6 practiced upon the state;

7 (9) The corporation has continued to exceed or abuse the
8 authority conferred upon it by law, or has continued to violate
9 any section or sections of the criminal law of the state of
10 Missouri after a written demand to discontinue the same has been
11 delivered by the secretary of state to the corporation, either
12 personally or by mail;

13 (10) The corporation fails to pay any final assessment of
14 employer withholding tax, as provided in sections 143.191 to
15 143.265, RSMo, and the director of revenue has notified the
16 secretary of state of such failure; or

17 (11) The corporation fails to pay any final assessment of
18 sales and use taxes, as provided in chapter 144, RSMo, and the
19 director of revenue has notified the secretary of state of such
20 failure.

21 351.592. 1. The registered agent of a foreign corporation
22 may resign his agency appointment by signing and delivering to
23 the secretary of state for filing the original and two exact or
24 conformed copies of a statement of resignation. The statement of
25 resignation may include a statement that the registered office is
26 also discontinued.

27 2. After filing the statement, the secretary of state shall
28 attach the filing receipt to one copy, and mail the copy and

1 receipt to the registered office if not discontinued. The
2 secretary of state shall mail the other copy to the foreign
3 corporation at its principal office address shown in its most
4 recent [annual] corporate registration report.

5 3. The agency appointment is terminated, and the registered
6 office discontinued if so provided, on the thirty-first day after
7 the date on which the statement was filed.

8 351.594. 1. The registered agent of a foreign corporation
9 authorized to transact business in this state is the
10 corporation's agent for service of process, notice, or demand
11 required or permitted by law to be served on the foreign
12 corporation.

13 2. A foreign corporation may be served by registered or
14 certified mail, return receipt requested, addressed to the
15 secretary of the foreign corporation at its principal office
16 shown in its application for a certificate of authority or in its
17 most recent [annual] corporate registration report, if the
18 foreign corporation:

19 (1) Has no registered agent or its registered agent cannot
20 with reasonable diligence be served;

21 (2) Has withdrawn from transacting business in this state
22 as provided in section 351.596; or

23 (3) Has had its certificate of authority revoked under
24 section 351.602.

25 If the corporation has no secretary or if the secretary cannot,
26 after the exercise of reasonable diligence, be served, then
27 service on the corporation may be obtained by registered or

1 certified mail, return receipt requested, addressed to any person
2 designated as a director or officer of the corporation at any
3 place of business of the corporation, or at the residence of or
4 any usual business address of such director or officer.

5 3. Service is perfected as provided in subsection 2 of this
6 section at the earliest of:

7 (1) The date the foreign corporation receives the mail;

8 (2) The date shown on the return receipt, if signed on
9 behalf of the foreign corporation; or

10 (3) Five days after its deposit in the United States mail,
11 as evidenced by the postmark, if mailed postpaid and correctly
12 addressed.

13 4. This section does not prescribe the only means, or
14 necessarily the required means, of serving a foreign corporation.

15 351.598. The secretary of state may commence a proceeding
16 pursuant to section 351.602 to revoke the certificate of a
17 foreign corporation authorized to transact business in this state
18 if:

19 (1) The foreign corporation does not deliver its [annual]
20 corporate registration report to the secretary of state within
21 thirty days after it is due;

22 (2) The foreign corporation fails to pay any final
23 assessment of Missouri corporation franchise tax, as provided in
24 chapter 147, RSMo, and the director of revenue has notified the
25 secretary of state of such failure;

26 (3) The foreign corporation is without a registered agent
27 or registered office in this state for thirty days or more;

28 (4) The foreign corporation does not inform the secretary

1 of state pursuant to section 351.588 or 351.592 that its
2 registered agent or registered office has changed, that its
3 registered agent has resigned, or that its registered office has
4 been discontinued within thirty days of the change, resignation,
5 or discontinuance;

6 (5) An incorporator, director, officer, or agent of the
7 foreign corporation signed a document the person knew was false
8 in any material respect with intent that the document be
9 delivered to the secretary of state for filing;

10 (6) The secretary of state receives a duly authenticated
11 certificate [from the secretary of state or other] an official
12 having custody of corporate records in the state or country under
13 whose law the foreign corporation is incorporated stating that it
14 has been dissolved or has disappeared as the result of a merger;

15 (7) The foreign corporation fails to pay any final
16 assessment of employer withholding tax, as provided in sections
17 143.191 to 143.265, RSMo, and the director of revenue has
18 notified the secretary of state of such failure; or

19 (8) The foreign corporation fails to pay any final
20 assessment of sales and use taxes, as provided in chapter 144,
21 RSMo, and the director of revenue has notified the secretary of
22 state of such failure.

23 351.602. 1. If the secretary of state determines that one
24 or more grounds exist under section 351.598 for revocation of a
25 certificate of authority, he shall serve the foreign corporation
26 with written notice of his determination as provided in section
27 351.594.

28 2. If the foreign corporation does not correct each ground

1 for revocation or demonstrate to the reasonable satisfaction of
2 the secretary of state that each ground determined by the
3 secretary of state does not exist within sixty days after service
4 of the notice is perfected under section 351.594, the secretary
5 of state may revoke the foreign corporation's certificate of
6 authority by signing a certificate of revocation that recites the
7 ground or grounds for revocation and its effective date. The
8 secretary of state shall file the original of the certificate and
9 serve a copy on the foreign corporation as provided in section
10 351.594.

11 3. The authority of a foreign corporation to transact
12 business in this state ceases on the date shown on the
13 certificate revoking its certificate of authority.

14 4. The secretary of state's revocation of a foreign
15 corporation's certificate of authority appoints the secretary of
16 state the foreign corporation's agent for service of process in
17 any proceeding based on a cause of action which arose during the
18 time the foreign corporation was authorized to transact business
19 in this state. Service of process on the secretary of state
20 under this subsection is service on the foreign corporation.
21 Upon receipt of process, the secretary of state shall mail a copy
22 of the process to the secretary of the foreign corporation at its
23 principal office shown in its most recent [annual] corporate
24 registration report or in any subsequent communication received
25 from the corporation specifically advising the secretary of state
26 of the current mailing address of its principal office, or, if
27 none are on file, in its application for a certificate of
28 authority.

1 5. Revocation of a foreign corporation's certificate of
2 authority does not terminate the authority of the registered
3 agent of the corporation.

4 351.690. The provisions of this chapter shall be applicable
5 to existing corporations and corporations not formed pursuant to
6 this chapter as follows:

7 (1) Those provisions of this chapter requiring reports,
8 registration statements and the payment of taxes and fees, shall
9 be applicable, to the same extent and with the same effect, to
10 all existing corporations, domestic and foreign, which were
11 required to make such reports and registration statements and to
12 pay such taxes and fees, prior to November 21, 1943;

13 (2) The provisions of this chapter shall be applicable to
14 banks, trust companies and safe deposit companies when such
15 provisions relating to the internal affairs of a corporation
16 supplement the existing provisions of chapter 362, RSMo, or when
17 the provisions of chapter 362, RSMo, do not deal with a matter
18 involving the internal affairs of a corporation organized
19 pursuant to the provisions of chapter 362, RSMo, as well as those
20 provisions mentioned in subdivision (1) of this section, to the
21 extent applicable. For the purposes of this chapter, the
22 "internal affairs of a corporation" shall include, but not be
23 limited to, matters of corporate governance, director and officer
24 liability, and financial structure;

25 (3) No provisions of this chapter, other than those
26 mentioned in subdivision (1) of this section, and then only to
27 the extent required by the statutes pursuant to which they are
28 incorporated, or other than the provisions of section 351.347, or

1 section 351.355, shall be applicable to insurance companies,
2 savings and loan associations, corporations formed for
3 benevolent, religious, scientific or educational purposes, and
4 nonprofit corporations;

5 (4) Only those provisions of this chapter which supplement
6 the existing laws applicable to railroad corporations, union
7 stations, cooperative companies for profit, credit unions, street
8 railroads, telegraph and telephone companies, booming and rafting
9 companies, urban redevelopment corporations, professional
10 corporations, development finance corporations, and loan and
11 investment companies, and which are not inconsistent with, or in
12 conflict with the purposes of, or are not in derogation or
13 limitation of, such existing laws, shall be applicable to the
14 type of corporations mentioned above in this subdivision; and
15 without limiting the generality of the foregoing, those
16 provisions of this chapter which permit the issuance of shares
17 without par value and the amendment of articles of incorporation
18 for such purpose shall be applicable to railroad corporations,
19 union stations, street railroads, telegraph and telephone
20 companies, and booming and rafting companies, professional
21 corporations, development finance corporations, and loan and
22 investment companies, and those provisions of this chapter
23 mentioned in subdivisions (1) and (2) of this section will apply
24 to all corporations mentioned in this subdivision; except that,
25 the [annual] corporate registration report and fee of a
26 professional corporation pursuant to section 356.211, RSMo, shall
27 suffice in lieu of the [annual] corporate registration report and
28 fee required of a business corporation;

(5) All of the provisions of this chapter to the extent provided shall apply to all other corporations existing pursuant to general laws of this state enacted prior to November 21, 1943, and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

(1) A foreign corporation's application for a certificate of authority to transact business in this state;

(2) A foreign corporation's application for a certificate of withdrawal; and

(3) The [annual] corporate registration report.

If the secretary of state so requires, use of these forms is mandatory.

2. The secretary of state may prescribe and furnish on request forms for other documents required or permitted to be filed by this chapter but their use is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(1) Articles of incorporation, twenty dollars;

(2) Application for reserved name, twenty dollars;

(3) Notice of transfer of reserved name, two dollars;

(4) Application for renewal of reserved name, twenty dollars;

(5) Corporation's statement of change of registered agent or registered office or both, five dollars;

(6) Agent's statement of change of registered office for

1 each affected corporation, five dollars;

2 (7) Agent's statement of resignation, five dollars;

3 (8) Amendment of articles of incorporation, five dollars;

4 (9) Restatement of articles of incorporation with

5 amendments, five dollars;

6 (10) Articles of merger, five dollars;

7 (11) Articles of dissolution, five dollars;

8 (12) Articles of revocation of dissolution, five dollars;

9 (13) Application for reinstatement following administrative

10 dissolution, twenty dollars;

11 (14) Application for certificate of authority, twenty

12 dollars;

13 (15) Application for amended certificate of authority, five

14 dollars;

15 (16) Application for certificate of withdrawal, five

16 dollars;

17 (17) **[Annual]** Corporate registration report filed annually,

18 ten dollars if filed in a written format or five dollars if filed

19 electronically in a format prescribed by the secretary of state;

20 (18) Corporate registration report filed biennially, twenty

21 dollars if filed in a written format or ten dollars if filed

22 electronically in a format prescribed by the secretary of state;

23 (19) Articles of correction, five dollars;

24 **[(19)]** (20) Certificate of existence or authorization, five

25 dollars;

26 **[(20)]** (21) Any other document required or permitted to be

27 filed by this chapter, five dollars.

28 2. The secretary of state shall collect a fee of ten

1 dollars upon being served with process under this chapter. The
2 party to a proceeding causing service of process is entitled to
3 recover the fee paid the secretary of state as costs if the party
4 prevails in the proceeding.

5 3. The secretary of state shall collect the following fees
6 for copying and certifying the copy of any filed document
7 relating to a domestic or foreign corporation: in a written
8 format fifty cents per page plus five dollars for certification,
9 or in an electronic format five dollars for certification and
10 copies.

11 355.066. Unless the context otherwise requires or unless
12 otherwise indicated, as used in this chapter the following terms
13 mean:

14 (1) "Approved by or approval by the members", approved or
15 ratified by the affirmative vote of a majority of the voters
16 represented and voting at a duly held meeting at which a quorum
17 is present, which affirmative votes also constitute a majority of
18 the required quorum, or by a written ballot or written consent in
19 conformity with this chapter, or by the affirmative vote, written
20 ballot or written consent of such greater proportion, including
21 the votes of all the members of any class, unit or grouping as
22 may be provided in the articles, bylaws or this chapter for any
23 specified member action;

24 (2) "Articles of incorporation" or "articles", amended and
25 restated articles of incorporation and articles of merger;

26 (3) "Board" or "board of directors", the board of directors
27 except that no person or group of persons is the board of
28 directors because of powers delegated to that person or group

1 pursuant to section 355.316;

2 (4) "Bylaws", the code or codes of rules, other than the
3 articles, adopted pursuant to this chapter for the regulation or
4 management of the affairs of the corporation, irrespective of the
5 name or names by which such rules are designated. Bylaws shall
6 not include legally enforceable covenants, declarations,
7 indentures or restrictions imposed upon members by validly
8 recorded indentures, declarations, covenants, restrictions or
9 other recorded instruments, as they apply to real property;

10 (5) "Class", a group of memberships which have the same
11 rights with respect to voting, dissolution, redemption and
12 transfer. For the purpose of this section, "rights" shall be
13 considered the same if they are determined by a formula applied
14 uniformly;

15 (6) "Corporation", public benefit and mutual benefit
16 corporations;

17 (7) "Delegates", those persons elected or appointed to vote
18 in a representative assembly for the election of a director or
19 directors or on other matters;

20 (8) "Deliver" includes mail;

21 (9) "Directors", individuals, designated in the articles or
22 bylaws or elected by the incorporator or incorporators, and their
23 successors and individuals elected or appointed by any other name
24 or title to act as members of the board;

25 (10) "Distribution", the payment of a dividend or any part
26 of the income or profit of a corporation to its members,
27 directors or officers;

28 (11) "Domestic corporation", a Missouri corporation;

1 (12) "Effective date of notice" is defined in section
2 355.071;

3 (13) "Employee" does not include an officer or director who
4 is not otherwise employed by the corporation;

5 (14) "Entity", domestic corporations and foreign
6 corporations, business corporations and foreign business
7 corporations, for-profit and nonprofit unincorporated
8 associations, business trusts, estates, partnerships, trusts, and
9 two or more persons having a joint or common economic interest,
10 and a state, the United States, and foreign governments;

11 (15) "File", "filed" or "filing", filed in the office of
12 the secretary of state;

13 (16) "Foreign corporation", a corporation organized under a
14 law other than the laws of this state which would be a nonprofit
15 corporation if formed under the laws of this state;

16 (17) "Governmental subdivision" includes authority, county,
17 district, and municipality;

18 (18) "Includes" denotes a partial definition;

19 (19) "Individual", a natural person;

20 (20) "Means" denotes a complete definition;

21 (21) "Member", without regard to what a person is called in
22 the articles or bylaws, any person or persons who on more than
23 one occasion, pursuant to a provision of a corporation's articles
24 or bylaws, have the right to vote for the election of a director
25 or directors; but a person is not a member by virtue of any of
26 the following:

27 (a) Any rights such person has as a delegate;

28 (b) Any rights such person has to designate a director or

1 directors; or

2 (c) Any rights such person has as a director;

3 (22) "Membership", the rights and obligations a member or
4 members have pursuant to a corporation's articles, bylaws and
5 this chapter;

6 (23) "Mutual benefit corporation", a domestic corporation
7 which is formed as a mutual benefit corporation pursuant to
8 sections 355.096 to 355.121 or is required to be a mutual benefit
9 corporation pursuant to section 355.881;

10 (24) "Notice" is defined in section 355.071;

11 (25) "Person" includes any individual or entity;

12 (26) "Principal office", the office, in or out of this
13 state, so designated in the [annual] corporate registration
14 report filed pursuant to section 355.856 where the principal
15 offices of a domestic or foreign corporation are located;

16 (27) "Proceeding" includes civil suits and criminal,
17 administrative, and investigatory actions;

18 (28) "Public benefit corporation", a domestic corporation
19 which is formed as a public benefit corporation pursuant to
20 sections 355.096 to 355.121, or is required to be a public
21 benefit corporation pursuant to section 355.881;

22 (29) "Record date", the date established pursuant to
23 sections 355.181 to 355.311 on which a corporation determines the
24 identity of its members for the purposes of this chapter;

25 (30) "Resident", a full-time resident of a long-term care
26 facility or residential care facility;

27 (31) "Secretary", the corporate officer to whom the board
28 of directors has delegated responsibility pursuant to subsection

1 2 of section 355.431 for custody of the minutes of the directors'
2 and members' meetings and for authenticating the records of the
3 corporation;

4 (32) "State", when referring to a part of the United
5 States, includes a state or commonwealth, and its agencies and
6 governmental subdivisions, and any territory or insular
7 possession, and its agencies and governmental subdivisions, of
8 the United States;

9 (33) "United States" includes any agency of the United
10 States;

11 (34) "Vote" includes authorization by written ballot and
12 written consent; and

13 (35) "Voting power", the total number of votes entitled to
14 be cast for the election of directors at the time the
15 determination of voting power is made, excluding a vote which is
16 contingent upon the happening of a condition or event that has
17 not occurred at the time. Where a class is entitled to vote as a
18 class for directors, the determination of voting power of the
19 class shall be based on the percentage of the number of directors
20 the class is entitled to elect out of the total number of
21 authorized directors.

22 355.071. 1. For purposes of this chapter, notice may be
23 oral or written.

24 2. Notice may be communicated in person, by telephone,
25 telegraph, teletype, or other form of wire or wireless
26 communication, or by mail or private carrier; if these forms of
27 personal notice are impracticable, notice may be communicated by
28 a newspaper of general circulation in the area where published,

1 or by radio, television, or other form of public broadcast
2 communication.

3 3. Oral notice is effective when communicated if
4 communicated in a comprehensible manner.

5 4. Written notice, if in a comprehensible form, is
6 effective at the earliest of the following:

7 (1) When received;

8 (2) Five days after its deposit in the United States mail,
9 as evidenced by the postmark, if mailed correctly addressed and
10 with first class postage affixed;

11 (3) On the date shown on the return receipt, if sent by
12 registered or certified mail, return receipt requested, and the
13 receipt is signed by or on behalf of the addressee;

14 (4) Thirty days after its deposit in the United States
15 mail, as evidenced by the postmark, if mailed correctly addressed
16 and with other than first class, registered or certified postage
17 affixed.

18 5. Written notice is correctly addressed to a member of a
19 domestic or foreign corporation if addressed to the member's
20 address shown in the corporation's current list of members.

21 6. A written notice or report delivered as part of a
22 newsletter, magazine or other publication regularly sent to
23 members shall constitute a written notice or report if addressed
24 or delivered to the member's address shown in the corporation's
25 current list of members, or in the case of members who are
26 residents of the same household and who have the same address in
27 the corporation's current list of members, if addressed or
28 delivered to one of such members, at the address appearing on the

1 current list of members.

2 7. Written notice is correctly addressed to a domestic or
3 foreign corporation, authorized to transact business in this
4 state, other than in its capacity as a member, if addressed to
5 its registered agent or to its secretary at its principal office
6 shown in its most recent [annual] corporate registration report
7 or, in the case of a foreign corporation that has not yet
8 delivered [an annual] a corporate registration report, in its
9 application for a certificate of authority.

10 8. If subsection 2 of section 355.251 or any other
11 provision of this chapter prescribes notice requirements for
12 particular circumstances, those requirements govern. If the
13 articles or bylaws prescribe notice requirements, not
14 inconsistent with this section or other provisions of this
15 chapter, those requirements govern. Failure to comply with the
16 terms of this section shall not invalidate the terms of the
17 notice delivered.

18 355.151. 1. A person may reserve the exclusive use of a
19 corporate name, including a fictitious name for a foreign
20 corporation whose corporate name is not available, by delivering
21 an application to the secretary of state for filing. Upon
22 finding that the corporate name applied for is available, the
23 secretary of state shall reserve the name for the applicant's
24 exclusive use for a sixty-day period. A name reservation shall
25 not exceed a period of one hundred eighty days from the date of
26 the first name reservation application. Upon the hundred eighty-
27 first day, the name shall cease reserve status and shall not be
28 placed back in reserve status.

1 2. The owner of a reserved corporate name may transfer the
2 reservation to another person by delivering to the secretary of
3 state a signed notice of the transfer that states the name and
4 address of the transferee.

5 355.176. 1. A corporation's registered agent is the
6 corporation's agent for service of process, notice, or demand
7 required or permitted by law to be served on the corporation.

8 2. If a corporation has no registered agent, or the agent
9 cannot with reasonable diligence be served, the corporation may
10 be served by registered or certified mail, return receipt
11 requested, addressed to the secretary of the corporation at its
12 principal office shown in the most recent [annual] corporate
13 registration report filed under section 355.856. Service is
14 perfected under this subsection on the earliest of:

15 (1) The date the corporation receives the mail;

16 (2) The date shown on the return receipt, if signed on
17 behalf of the corporation; or

18 (3) Five days after its deposit in the United States mail,
19 if mailed and correctly addressed with first class postage
20 affixed.

21 3. This section does not prescribe the only means, or
22 necessarily the required means, of serving a corporation.

23 355.688. A voluntarily dissolved corporation must continue
24 to file the [annual] corporate registration report and pay all
25 required taxes due the state of Missouri until the effective date
26 of articles of termination.

27 355.706. The secretary of state may commence a proceeding
28 under section 355.711 to administratively dissolve a corporation

1 if:

2 (1) The corporation does not pay within thirty days after
3 they are due fees or penalties imposed by this chapter;

4 (2) The corporation does not deliver its [annual] corporate
5 registration report to the secretary of state within [thirty]
6 ninety days after it is due;

7 (3) The corporation is without a registered agent or
8 registered office in this state for thirty days or more;

9 (4) The corporation does not notify the secretary of state
10 within thirty days that its registered agent or registered office
11 has been changed, that its registered agent has resigned, or that
12 its registered office has been discontinued;

13 (5) The corporation's period of duration, if any, stated in
14 its articles of incorporation expires; or

15 (6) The corporation has procured its charter through fraud
16 practiced upon the state.

17 355.796. 1. The registered agent of a foreign corporation
18 authorized to transact business in this state is the
19 corporation's agent for service of process, notice, or demand
20 required or permitted by law to be served on the foreign
21 corporation.

22 2. A foreign corporation may be served by registered or
23 certified mail, return receipt requested, addressed to the
24 secretary of the foreign corporation at its principal office
25 shown in its application for a certificate of authority or in its
26 more recent [annual] corporate registration report filed under
27 section 355.856 if the foreign corporation:

28 (1) Has no registered agent or its registered agent cannot

1 with reasonable diligence be served;

2 (2) Has withdrawn from transacting business in this state
3 under section 355.801; or

4 (3) Has had its certificate of authority revoked under
5 section 355.811.

6 3. Service is perfected under subsection 2 of this section
7 at the earliest of:

8 (1) The date the foreign corporation receives the mail;

9 (2) The date shown on the return receipt, if signed on
10 behalf of the foreign corporation; or

11 (3) Five days after its deposit in the United States mail,
12 as evidenced by the postmark if mailed postpaid and correctly
13 addressed.

14 4. This section does not prescribe the only means, or
15 necessarily the required means, of serving a foreign corporation.

16 355.806. 1. The secretary of state may commence a
17 proceeding under section 355.811 to revoke the certificate of
18 authority of a foreign corporation authorized to transact
19 business in this state if:

20 (1) The foreign corporation does not deliver the [annual]
21 corporate registration report to the secretary of state within
22 thirty days after it is due;

23 (2) The foreign corporation does not pay within thirty days
24 after they are due any fees or penalties imposed by this chapter;

25 (3) The foreign corporation is without a registered agent or
26 registered office in this state for thirty days or more;

27 (4) The foreign corporation does not inform the secretary of
28 state under section 355.786 or 355.791 that its registered agent

1 or registered office has changed, that its registered agent has
2 resigned, or that its registered office has been discontinued
3 within thirty days of the change, resignation, or discontinuance;

4 (5) An incorporator, director, officer or agent of the
5 foreign corporation signed a document such person knew was false
6 in any material respect with intent that the document be
7 delivered to the secretary of state for filing;

8 (6) The secretary of state receives a duly authenticated
9 certificate from the secretary of state or other official having
10 custody of corporate records in the state or country under whose
11 law the foreign corporation is incorporated stating that it has
12 been dissolved or disappeared as the result of a merger; or

13 (7) The corporation procured its certificate of authority
14 through fraud practiced on the state.

15 2. The attorney general may commence a proceeding under
16 section 355.811 to revoke the certificate of authority of a
17 foreign corporation authorized to transact business in this state
18 if:

19 (1) The corporation has continued to exceed or abuse the
20 authority conferred upon it by law;

21 (2) The corporation would have been a public benefit
22 corporation other than a church or convention or association of
23 churches had it been incorporated in this state and that its
24 corporate assets in this state are being misapplied or wasted; or

25 (3) The corporation would have been a public benefit
26 corporation other than a church or convention or association of
27 churches had it been incorporated in this state and it is no
28 longer able to carry out its purposes.

1 355.811. 1. The secretary of state upon determining that
2 one or more grounds exist under section 355.806 for revocation of
3 a certificate of authority shall serve the foreign corporation
4 with written notice of that determination under section 355.796.

5 2. The attorney general upon determining that one or more
6 grounds exist under subsection 2 of section 355.806 for
7 revocation of a certificate of authority shall request the
8 secretary of state to serve, and the secretary of state shall
9 serve the foreign corporation with written notice of that
10 determination under section 355.796.

11 3. If the foreign corporation does not correct each ground
12 for revocation or demonstrate to the reasonable satisfaction of
13 the secretary of state or attorney general that each ground for
14 revocation determined by the secretary of state or attorney
15 general does not exist within sixty days after service of the
16 notice is perfected under section 355.796, the secretary of state
17 may revoke the foreign corporation's certificate of authority by
18 signing a certificate of revocation that recites the ground or
19 grounds for revocation and its effective date. The secretary of
20 state shall file the original of the certificate and serve a copy
21 on the foreign corporation under section 355.796.

22 4. The authority of a foreign corporation to transact
23 business in this state ceases on the date shown on the
24 certificate revoking its certificate of authority.

25 5. The secretary of state's revocation of a foreign
26 corporation's certificate of authority appoints the secretary of
27 state the foreign corporation's agent for service of process in
28 any proceeding based on a cause of action which arose during the

1 time the foreign corporation was authorized to transact business
2 in this state. Service of process on the secretary of state
3 under this subsection is service on the foreign corporation.
4 Upon receipt of process, the secretary of state shall mail a copy
5 of the process to the secretary of the foreign corporation at its
6 principal office shown in its most recent [annual] corporate
7 registration report or in any subsequent communications received
8 from the corporation stating the current mailing address of its
9 principal office, or, if none are on file, in its application for
10 a certificate of authority.

11 6. Revocation of a foreign corporation's certificate of
12 authority does not terminate the authority of the registered
13 agent of the corporation.

14 355.821. 1. A corporation shall keep as permanent records
15 minutes of all meetings of its members and board of directors, a
16 record of all actions taken by the members or directors without a
17 meeting, and a record of all actions taken by committees of the
18 board of directors as authorized by subsection 4 of section
19 355.406.

20 2. A corporation shall maintain appropriate accounting
21 records.

22 3. A corporation or its agent shall maintain a record of
23 its members in a form that permits preparation of a list of the
24 names and addresses of all members, in alphabetical order by
25 class showing the number of votes each member is entitled to
26 vote.

27 4. A corporation shall maintain its records in written form
28 or in another form capable of conversion into written form within

1 a reasonable time.

2 5. A corporation shall keep a copy of the following records
3 at its principal office:

4 (1) Its articles or restated articles of incorporation and
5 all amendments to them currently in effect;

6 (2) Its bylaws or restated bylaws and all amendments to them
7 currently in effect;

8 (3) Resolutions adopted by its board of directors relating
9 to the characteristics, qualifications, rights, limitations and
10 obligations of members or any class or category of members;

11 (4) The minutes of all meetings of members and records of
12 all actions approved by the members for the past three years;

13 (5) All written communications to all members or any
14 specific class of members generally within the past three years,
15 including the financial statements furnished for the past three
16 years under section 355.846;

17 (6) A list of the names and business or home addresses of
18 its current directors and officers;

19 (7) Its most recent [annual] corporate registration report
20 delivered to the secretary of state under section 355.856; and

21 (8) Appropriate financial statements of all income and
22 expenses. Public benefit corporations shall not be required,
23 under this chapter, to disclose any information with respect to
24 donors, gifts, contributions or the purchase or sale of art
25 objects.

26 355.856. 1. Each domestic corporation, and each foreign
27 corporation authorized pursuant to this chapter to transact
28 business in this state, shall file with the secretary of state

1 [an annual] a corporate registration report on a form prescribed
2 and furnished by the secretary of state that sets forth:

3 (1) The name of the corporation and the state or country
4 under whose law it is incorporated;

5 (2) The address of its registered office and the name of
6 its registered agent at the office in this state;

7 (3) The address of its principal office;

8 (4) The names and physical business or residence addresses
9 of its directors and principal officers.

10 2. The information in the [annual] corporate registration
11 report must be current on the date the [annual] corporate
12 registration report is executed on behalf of the corporation.

13 3. The [first annual] initial corporate registration report
14 must be delivered to the secretary of state no later than August
15 thirty-first of the year following the calendar year in which a
16 domestic corporation was incorporated or a foreign corporation
17 was authorized to transact business. Subsequent [annual]
18 corporate registration reports must be delivered to the secretary
19 of state no later than August thirty-first of the following
20 calendar years, except as provided in section 355.857. If an
21 annual corporate registration report is not filed within the time
22 limits prescribed by this section, the secretary of state shall
23 not accept the report unless it is accompanied by a fifteen
24 dollar fee. Failure to file the annual registration report as
25 required by this section will result in the administrative
26 dissolution of the corporation as set forth in section 355.706.

27 4. If an annual corporate registration report does not
28 contain the information required by this section, the secretary

1 of state shall promptly notify the reporting domestic or foreign
2 corporation in writing and return the report to it for
3 correction.

4 5. A corporation may change the corporation's registered
5 office or registered agent with the filing of the corporation's
6 annual registration report. To change the corporation's
7 registered agent with the filing of the annual registration
8 report, the corporation must include the new registered agent's
9 written consent to the appointment as registered agent and a
10 written consent stating that such change in registered agents was
11 authorized by resolution duly adopted by the board of directors.
12 The written consent must be signed by the new registered agent
13 and must include such agent's address. If the annual corporate
14 registration report is not completed correctly, the secretary of
15 state may reject the filing of such report.

16 6. A corporation's annual registration report must be filed
17 in a format and medium prescribed by the secretary of state.

18 7. The annual registration report shall be signed by an
19 officer or authorized person and pursuant to this section
20 represents that the signer believes the statements are true and
21 correct to the best knowledge and belief of the person signing,
22 subject to the penalties of section 575.040, RSMo.

23 355.857. 1. Notwithstanding the provisions of section
24 355.856 to the contrary, beginning January 1, 2008, the secretary
25 of state may provide corporations the option of biennially filing
26 corporate registration reports. Any corporation incorporated or
27 qualified in an even-numbered year may file a biennial corporate
28 registration report only in an even-numbered calendar year, and

any corporation incorporated or qualified in an odd-numbered year may file a biennial corporate registration report only in an odd-numbered calendar year, subject to the following requirements:

(1) The fee paid at the time of biennial registration shall be that specified in section 355.021;

(2) A corporation's biennial corporate registration report shall be filed in a format as prescribed by the secretary of state;

(3) The secretary of state may collect an additional fee of ten dollars on each biennial corporate registration report filed under this section. Such fee shall be deposited into the state treasury and credited to the secretary of state's technology trust fund account.

2. Once a corporation chooses the option of biennial registration, such registration shall be maintained for the full twenty-four month period. Once the twenty-four month period has expired and another corporate registration report is due, a corporation may choose to file an annual registration report under section 355.856. However, upon making such choice the corporation may later only choose to file a biennial corporate registration report in a year appropriate under subsection 1 of this section, based on the year in which the corporation was incorporated.

3. The secretary of state may promulgate rules for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all

1 of the provisions of chapter 536, RSMo, and, if applicable,
2 section 536.028, RSMo. This section and chapter 536, RSMo, are
3 nonseverable and if any of the powers vested with the general
4 assembly pursuant to chapter 536, RSMo, to review, to delay the
5 effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2007,
8 shall be invalid and void.

9 356.211. 1. Each professional corporation and each foreign
10 professional corporation shall file with the secretary of state
11 [an annual corporation] a corporate registration report pursuant
12 to section 351.120, RSMo, or section 351.122, RSMo. The
13 corporate registration report shall set forth the following
14 information: the names and residence or physical business
15 addresses of all officers, directors and shareholders of that
16 professional corporation as of the date of the report.

17 2. The report shall be made on a form to be prescribed and
18 furnished by the secretary of state, and shall be executed by an
19 officer of the corporation or authorized person.

20 3. A filing fee in the amount set out in section 351.125,
21 RSMo, or section 351.122, RSMo, shall be paid with the filing of
22 each report, and no other fees shall be charged therefor; except
23 that, penalty fees may be imposed by the secretary of state for
24 late filings. The report shall be filed subject to the time
25 requirements of section 351.120, RSMo, or section 351.122, RSMo.

26 4. If a professional corporation or foreign professional
27 corporation shall fail to file a report qualifying with the
28 provisions of this section when such a filing is due, then the

1 corporation shall be subject to the provisions of chapter 351,
2 RSMo, that are applicable to a corporation that has failed to
3 timely file the [annual] report required to be filed under
4 chapter 351, RSMo.

5 402.205. 1. [The families, friends and guardians of]
6 Persons who have a disability [or], as defined in section
7 402.200, or persons who are eligible for services provided by the
8 department of mental health, or both, may participate in a trust
9 which may supplement the care, support, and treatment of such
10 persons pursuant to the provisions of sections 402.199 to
11 402.220. Neither the contribution to the trust for the benefit
12 of a life beneficiary nor the use of trust income to provide
13 benefits shall in any way reduce, impair or diminish the benefits
14 to which such person is otherwise entitled by law; and the
15 administration of the trust shall not be taken into consideration
16 in appropriations for the department of mental health to render
17 services required by law.

18 2. Unless otherwise prohibited by federal statutes or
19 regulations, all state agencies shall disregard the trust as a
20 resource when determining eligibility of Missouri residents for
21 assistance under chapter 208, RSMo.

22 3. The assets of the board of trustees and assets held in
23 trust pursuant to the provisions of sections 402.199 to 402.220
24 shall not be considered state money, assets of the state or
25 revenue for any purposes of the state constitution or statutes.
26 The property of the board of trustees and its income and
27 operations shall be exempt from all taxation by the state or any
28 of its political subdivisions.

1 402.210. 1. There is hereby created the "Missouri Family
2 Trust Board of Trustees", which shall be a body corporate and an
3 instrumentality of the state. The board of trustees shall
4 consist of nine persons appointed by the governor with the advice
5 and consent of the senate. The members' terms of office shall be
6 three years and until their successors are appointed and
7 qualified. The trustees shall be persons who are not prohibited
8 from serving by sections 105.450 to 105.482, RSMo, and who are
9 not otherwise employed by the department of mental health. The
10 board of trustees shall be composed of the following:

11 (1) Three members of the immediate family of persons who
12 have a disability or [are the recipients of services provided by
13 the department in the treatment of] mental illness. The advisory
14 council for comprehensive psychiatric services, created pursuant
15 to section 632.020, RSMo, shall submit a panel of nine names to
16 the governor, from which he shall appoint three. One shall be
17 appointed for a term of one year, one for two years, and one for
18 three years. Thereafter, as the term of a trustee expires each
19 year, the Missouri advisory council for comprehensive psychiatric
20 services shall submit to the governor a panel of not less than
21 three nor more than five proposed trustees, and the governor
22 shall appoint one trustee from such panel for a term of three
23 years;

24 (2) Three members of the immediate family of persons who
25 [are recipients of services provided by the department in the
26 habilitation of the mentally retarded or developmentally
27 disabled] have a developmental disability. The Missouri advisory
28 council on mental retardation and developmental disabilities,

1 created pursuant to section 633.020, RSMo, shall submit a panel
2 of nine names to the governor, from which he shall appoint three.
3 One shall be appointed for one year, one for two years and one
4 for three years. Thereafter, as the term of a trustee expires
5 each year, the Missouri advisory council on mental retardation
6 and developmental disabilities shall submit to the governor a
7 panel of not less than three nor more than five proposed
8 trustees, and the governor shall appoint one trustee from such
9 panel for a term of three years;

10 (3) Three persons who are recognized for their expertise in
11 general business matters and procedures. Of the three business
12 people to be appointed by the governor, one shall be appointed
13 for one year, one for two years and one for three years.
14 Thereafter, as the term of a trustee expires each year, the
15 governor shall appoint one business person as trustee for a term
16 of three years.

17 2. The trustees shall receive no compensation for their
18 services. The trust shall reimburse the trustees for necessary
19 expenses actually incurred in the performance of their duties.

20 3. As used in this section, the term "immediate family"
21 includes spouse, parents, parents of spouse, children, spouses of
22 children and siblings.

23 4. The board of trustees shall be subject to the provisions
24 of sections 610.010 to 610.120, RSMo.

25 5. The board of trustees shall annually prepare or cause to
26 be prepared an accounting of the trust funds and shall transmit a
27 copy of the accounting to the governor, the president pro tempore
28 of the senate and the speaker of the house of representatives.

1 6. The board of trustees shall establish policies,
2 procedures and other rules and regulations necessary to implement
3 the provisions of sections 402.199 to 402.220.

4 402.215. 1. The board of trustees is authorized and
5 directed to establish and administer the Missouri family trust
6 and to advise, consult with, and render services to departments
7 and agencies of the state of Missouri and to other nonprofit
8 organizations which qualify as organizations pursuant to Section
9 501(c)(3) of the United States Internal Revenue Code of 1986, as
10 amended, and which provide services to Missouri residents with a
11 disability. The board shall be authorized to execute all
12 documents necessary to establish and administer the trust
13 including the formation of a not-for-profit corporation created
14 pursuant to chapter 355, RSMo, and to qualify as an organization
15 pursuant to Section 501(c)(3) of the United States Internal
16 Revenue Code of 1986, as amended.

17 2. The trust documents shall include and be limited by the
18 following provisions:

19 (1) The Missouri family trust shall be authorized to accept
20 contributions from any source including trustees, personal
21 representatives, personal custodians pursuant to chapter 404,
22 RSMo, and other fiduciaries, and, subject to the provisions of
23 subdivision ~~[(11)]~~ (10) of this subsection, from the life
24 beneficiaries and their respective spouses, to be held,
25 administered, managed, invested and distributed in order to
26 facilitate the coordination and integration of private financing
27 for individuals who have a disability or are eligible for
28 services provided by the Missouri department of mental health, or

1 both, while maintaining the eligibility of such individuals for
2 government entitlement funding. All contributions, and the
3 earnings thereon, shall be administered as one trust fund;
4 however, separate accounts shall be established for each
5 designated beneficiary. The income earned[, after deducting
6 administrative expenses,] shall be credited to the accounts of
7 the respective life beneficiaries in proportion to the principal
8 balance in the account for each such life beneficiary, to the
9 total principal balances in the accounts for all life
10 beneficiaries;

11 (2) Every donor may designate a specific person as the life
12 beneficiary of the contribution made by such donor. In addition,
13 each donor may name a cotrustee, including the donor, and a
14 successor or successors to the cotrustee, to act with the
15 trustees of the trust on behalf of the designated life
16 beneficiary; provided, however, a life beneficiary shall not be
17 eligible to be a cotrustee or a successor cotrustee[; provided,
18 however, that]_. Court approval of the specific [person] persons
19 designated as life beneficiary and as cotrustee or successor
20 trustee shall be required [in connection with] at the time any
21 trust is created pursuant to section 473.657, RSMo, or section
22 475.093, RSMo;

23 (3) The cotrustee, with the consent of the trust, shall
24 from time to time [but not less frequently than annually]
25 determine the amount of income or principal or income and
26 principal to be used to provide noncash benefits and the nature
27 and type of benefits to be provided for the life beneficiary.
28 Any net income which is not used shall be added to principal

1 annually. In the event that the trust and the cotrustee shall be
2 unable to agree either on the amount of income or principal or
3 income and principal to be used or the benefits to be provided,
4 then either the trust or the cotrustee shall have the right to
5 request that the matter be resolved by arbitration which shall be
6 conducted in accordance with the Commercial Arbitration Rules of
7 the American Arbitration Association. The requesting party shall
8 send a written request for arbitration to the responding party
9 and shall in such request set forth the name, address and
10 telephone number of such requesting party's arbitrator. The
11 responding party shall, within ten days after receipt of the
12 request for arbitration, set forth in writing to the requesting
13 party the name, address and telephone number of the responding
14 party's arbitrator. Copies of the request for arbitration and
15 response shall be sent to the director of the department. If the
16 two designated arbitrators shall be unable to agree upon a third
17 arbitrator within ten days after the responding party shall have
18 identified such party's arbitrator, then the director of the
19 department shall designate the third arbitrator by written notice
20 to the requesting and responding parties' arbitrators. The three
21 arbitrators shall meet, conduct a hearing, and render a decision
22 within thirty days after the appointment of the third arbitrator.
23 A decision of a majority of the arbitrators shall be binding upon
24 the requesting and responding parties. Each party shall pay the
25 fees and expenses of such party's arbitrator and the fees and
26 expenses of the third arbitrator shall be borne equally by the
27 parties. Judgment on the arbitrators' award may be entered in
28 any court of competent jurisdiction;

1 (4) Any donor, during his or her lifetime, except for a
2 trust created pursuant to section 473.657, RSMo, or section
3 475.093, RSMo, may revoke any gift made to the trust; provided,
4 however, any donor may, at any time, voluntarily waive the right
5 to revoke. In the event that at the time the donor shall have
6 revoked his or her gift to the trust the life beneficiary shall
7 not have received any benefits provided by use of trust income or
8 principal, then an amount equal to one hundred percent of the
9 principal balance shall be returned to the donor. Any
10 undistributed net income shall be distributed to the charitable
11 trust. In the event that at the time the donor shall have
12 revoked his or her gift to the trust the life beneficiary shall
13 have received any benefits provided by the use of trust income or
14 principal, then an amount equal to ninety percent of the
15 principal balance shall be returned to the donor. The balance of
16 the principal balance together with all undistributed net income
17 shall be distributed to the charitable trust;

18 (5) Any acting cotrustee, except a cotrustee of a trust
19 created pursuant to section 473.657, RSMo, or section 475.093,
20 RSMo, other than the original donor of a life beneficiary's
21 account, shall have the right, for good and sufficient reason
22 upon written notice to the trust and the department stating such
23 reason, to withdraw all or a portion of the principal balance.
24 In such event, the applicable portion, as set forth in
25 subdivision (7) of this subsection, of the principal balance
26 shall then be distributed to the successor trust and the balance
27 of the principal balance together with any undistributed net
28 income shall be distributed to the charitable trust;

1 (6) In the event that a life beneficiary for whose benefit
2 a contribution or contributions shall have been made to the
3 family trust shall cease to [be eligible for services provided by
4 the department of mental health] have a disability as defined in
5 section 402.200 and neither the donor nor the then acting
6 cotrustee, except a cotrustee of a trust created pursuant to
7 section 473.657, RSMo, or section 475.093, RSMo, shall revoke or
8 withdraw the applicable portion, as set [for] forth in
9 subdivision (7) of this subsection, of the principal balance,
10 then the board of trustees may, by written notice to such donor
11 or acting cotrustee, terminate the trust as to such beneficiary
12 and thereupon shall distribute the applicable portion, as set
13 forth in subdivision (7) of this subsection, of the principal
14 balance, to the trustee of the successor trust to be held,
15 administered and distributed by such trustee in accordance with
16 the provisions of the successor trust described in subdivision
17 (12) of this subsection;

18 (7) If at the time of withdrawal or termination as provided
19 in subdivision (6) of this subsection of a life beneficiary's
20 account from the trust either the life beneficiary shall not have
21 received any benefits provided by the use of the trust income or
22 principal or the life beneficiary shall have received benefits
23 provided by the use of trust income or principal for a period of
24 not more than five years from the date a contribution shall have
25 first been made to the trust for such life beneficiary, then an
26 amount equal to ninety percent of the principal balance shall be
27 distributed to the successor trust, and the balance of the
28 principal balance together with all undistributed net income

1 shall be distributed to the charitable trust; provided, however,
2 if the life beneficiary at the time of such withdrawal by the
3 cotrustee or termination as provided above shall have received
4 any benefits provided by the use of trust income or principal for
5 a period of more than five years from the date a contribution
6 shall have first been made to the trust for such life
7 beneficiary, then an amount equal to seventy-five percent of the
8 principal balance shall be distributed to the successor trust,
9 and the balance of the principal balance together with all
10 undistributed net income shall be distributed to the charitable
11 trust;

12 (8) Subject to the provisions of subdivision (9) of this
13 subsection, if the life beneficiary dies before receiving any
14 benefits provided by the use of trust income or principal, then
15 an amount equal to one hundred percent of the principal balance
16 shall be distributed to such person or persons as the donor shall
17 have designated. Any undistributed net income shall be
18 distributed to the charitable trust. If at the time of death of
19 the life beneficiary, the life beneficiary shall have been
20 receiving benefits provided by the use of trust income or
21 principal or income and principal, then, in such event, an amount
22 equal to seventy-five percent of the principal balance shall be
23 distributed to such person or persons as the donor designated,
24 and the balance of the principal balance, together with all
25 undistributed net income, shall be distributed to the charitable
26 trust;

27 (9) In the event the trust is created as a result of a
28 distribution from a personal representative of an estate of which

1 the life beneficiary is a distributee, then if the life
2 beneficiary dies before receiving any benefits provided by the
3 use of trust income or principal, an amount equal to one hundred
4 percent of the principal balance shall be distributed to such
5 person or persons who are the life beneficiary's heirs at law.
6 Any undistributed income shall be distributed to the charitable
7 trust. If at the time of death of the life beneficiary the life
8 beneficiary shall have been receiving benefits provided by the
9 use of trust income or principal or income and principal, then,
10 an amount equal to seventy-five percent of the principal balance
11 shall be distributed to such person or persons who are the life
12 beneficiary's heirs at law. The balance of the principal balance
13 together with all undistributed income shall be distributed to
14 the charitable trust. If there are no heirs at the time of
15 either such distribution, the then-principal balance together
16 with all undistributed income shall be distributed to the
17 charitable trust;

18 (10) In the event the trust is created [as a result of the
19 recovery of damages by reason of a personal injury to the life
20 beneficiary, then if the life beneficiary dies before receiving
21 any benefits provided by the use of trust income or principal,
22 the state of Missouri shall receive all amounts remaining in the
23 life beneficiary's account up to an amount equal to the total
24 medical assistance paid on behalf of such life beneficiary under
25 a state plan under Title 42 of the United States Code, and then
26 to the extent there is any amount remaining in the life
27 beneficiary's account, an amount equal to one hundred percent of
28 the principal balance shall be distributed to such person or

1 persons who are the life beneficiary's heirs at law. If there
2 are no heirs, the balance, if any, of the principal balance
3 together with all undistributed income shall be distributed to
4 the charitable trust. If at the time of death of the life
5 beneficiary the life beneficiary should have been receiving
6 benefits provided by the use of trust income or principal or
7 income and principal then the state of Missouri shall receive all
8 amounts remaining in the life beneficiary's account up to an
9 amount equal to the total medical assistance paid on behalf of
10 such life beneficiary under a state plan under Title 42 of the
11 United States Code, and then to the extent there is any amount
12 remaining in the life beneficiary's account, an amount equal to
13 seventy-five percent of the principal balance shall be
14 distributed to such person or persons who are the life
15 beneficiary's heirs at law and the balance of the principal
16 balance together with all undistributed income shall be
17 distributed to the charitable trust. If there are no heirs, the
18 balance of the principal balance, together with all undistributed
19 income, shall be distributed to the charitable trust;

20 (11) In the event an account is established] with the
21 proceeds from the recovery of damages by reason of a personal
22 injury to the life beneficiary or with the assets of the
23 beneficiary by the beneficiary, a family member, the
24 beneficiary's guardian, or pursuant to a court order, all in
25 accordance with Title 42 of the United States Code Section
26 1396p(d)(4)(A) or Section 1396p(d)(4)(C), then upon the death of
27 the life beneficiary the state of [Missouri] residence of the
28 beneficiary shall receive all amounts remaining in the life

1 beneficiary's account up to an amount equal to the total medical
2 assistance paid on behalf of such life beneficiary under a state
3 plan under Title 42 of the United States Code[, and then] ("State
4 Plan"); except that twenty-five percent of the principal balance
5 shall first be distributed to the charitable trust. To the
6 extent there is any amount remaining in the life beneficiary's
7 account, [an amount equal to seventy-five percent of] the
8 principal balance shall be distributed to such person or persons
9 who are the life beneficiary's heirs at law [and the balance of
10 the principal balance together with all undistributed income
11 shall be distributed to the charitable trust]. If there are no
12 heirs, the balance of the principal balance together with all
13 undistributed income shall be distributed to the charitable
14 trust. In the event that two or more states are entitled to
15 receive reimbursement for medical assistance paid on behalf of a
16 beneficiary and the total of such medical assistance is in excess
17 of the balance in the beneficiary account, then each such state
18 shall be paid an amount equal to that portion of the
19 beneficiary's account as is equal to the portion of the total
20 medical assistance paid by each such state;

21 [(12)] (11) Notwithstanding the provisions of subdivisions
22 (4) to (8) of this subsection to the contrary, the donor may
23 voluntarily agree to a smaller percentage of the principal
24 balance in any account established by such donor than is provided
25 in this subsection to be returned to the donor or distributed to
26 the successor trust, as the case may be; and a corresponding
27 larger percentage of the principal balance in such account to be
28 distributed either to the charitable trust or to a designated

1 restricted account within the charitable trust;

2 [(13)] (12) Upon receipt of a notice of withdrawal from a
3 designated cotrustee, other than the original donor, and a
4 determination by the board of trustees that the reason for such
5 withdrawal is good and sufficient, or upon the issuance of notice
6 of termination by the board of trustees, the board of trustees
7 shall distribute and pay over to the designated trustee of the
8 successor trust the applicable portion of the principal balance
9 as set forth in subdivision (7) of this subsection; provided,
10 however, that court approval of distribution to a successor
11 trustee shall be required in connection with any trust created
12 pursuant to section 473.657, RSMo, or section 475.093, RSMo.
13 The designated trustee of the successor trust shall hold,
14 administer and distribute the principal and income of the
15 successor trust, in the discretion of such trustee, for the
16 maintenance, support, health, education and general well-being of
17 the beneficiary, recognizing that it is the purpose of the
18 successor trust to supplement, not replace, any government
19 benefits for the beneficiary's basic support to which such
20 beneficiary may be entitled and to increase the quality of such
21 beneficiary's life by providing the beneficiary with those
22 amenities which cannot otherwise be provided by public assistance
23 or entitlements or other available sources. Permissible
24 expenditures include, but are not limited to, more sophisticated
25 dental, medical and diagnostic work or treatment than is
26 otherwise available from public assistance, private
27 rehabilitative training, supplementary education aid,
28 entertainment, periodic vacations and outings, expenditures to

1 foster the interests, talents and hobbies of the beneficiary, and
2 expenditures to purchase personal property and services which
3 will make life more comfortable and enjoyable for the beneficiary
4 but which will not defeat his or her eligibility for public
5 assistance. Expenditures may include payment of the funeral and
6 burial costs of the beneficiary. The designated trustee, in his
7 or her discretion, may make payments from time to time for a
8 person to accompany the beneficiary on vacations and outings and
9 for the transportation of the beneficiary or of friends and
10 relatives of the beneficiary to visit the beneficiary. Any
11 undistributed income shall be added to the principal from time to
12 time. Expenditures shall not be made for the primary support or
13 maintenance of the beneficiary, including basic food, shelter and
14 clothing, if, as a result, the beneficiary would no longer be
15 eligible to receive public benefits or assistance to which the
16 beneficiary is then entitled. After the death and burial of the
17 beneficiary, the remaining balance of the successor trust shall
18 be distributed to such person or persons as the donor shall have
19 designated;

20 [(14)] (13) The charitable trust shall be administered as
21 part of the family trust, but as a separate account. The income
22 attributable to the charitable trust shall be used to provide
23 benefits for individuals who have a disability [or who are
24 eligible for services provided by or through the department and
25 who either have no immediate family or whose immediate family, in
26 the reasonable opinion of the trustees, is financially unable to
27 make a contribution to the trust sufficient to provide benefits
28 for such individuals, while maintaining such individuals'

1 eligibility for government entitlement funding] and who have no
2 income or very limited income other than benefits. The trustees
3 may from time to time determine to use part of the principal of
4 the charitable trust to provide such benefits. [As used in this
5 section, the term "immediate family" includes parents, children
6 and siblings. The individuals to be beneficiaries of the
7 charitable trust shall be recommended to the trustees by the
8 department and others from time to time.] The trustees shall
9 annually determine the amount of charitable trust income or
10 principal to be used to provide benefits and the nature and type
11 of benefits to be provided for each identified beneficiary of the
12 charitable trust. Any income not used shall be added to
13 principal annually;

14 [(15)] (14) Any person, with the consent of the board of
15 trustees, may establish a restricted account within the
16 charitable trust and shall be permitted to determine, with the
17 consent of the board of trustees, the beneficiaries of such
18 restricted account provided such beneficiaries qualify as
19 participants of the trust as set forth in subsection 1 of section
20 402.205.

21 402.217. 1. No beneficiary shall have any vested or
22 property rights or interests in [the family] any trust
23 established for the benefit of such beneficiary, nor shall any
24 beneficiary have the power to anticipate, assign, convey,
25 alienate, or otherwise encumber any interest in the income or
26 principal of the [family] trust, nor shall such income or the
27 principal or any interest of any beneficiary thereunder be liable
28 for any debt incurred by such beneficiary, nor shall the

1 principal or income of the [family] trust be subject to seizure
2 by any creditor or any beneficiary under any writ or proceeding
3 in law or in equity.

4 2. Except for the right of a donor to revoke any gift made
5 to the trust, pursuant to subdivision (4) of subsection 2 of
6 section 402.215, and the right of any acting cotrustee, other
7 than the original donor, to withdraw all or a portion of the
8 principal balance, pursuant to subdivision (5) of subsection 2 of
9 section 402.215, neither the donor nor any acting cotrustee shall
10 have the right to sell, assign, convey, alienate or otherwise
11 encumber, for consideration or otherwise, any interest in the
12 income or principal of the family trust, nor shall such income or
13 the principal or any interest of any beneficiary thereunder be
14 liable for any debt incurred by the donor or any acting
15 cotrustee, nor shall the principal or income of the family trust
16 be subject to seizure by any creditor of any donor or any acting
17 cotrustee under any writ or proceeding in law or in equity.

18 407.309. 1. As used in this section, the following terms
19 mean:

20 (1) "Performing group", a vocal or instrumental group
21 seeking to use the name of another group that has previously
22 released a commercial sound recording under that name;

23 (2) "Recording group", a vocal or instrumental group at
24 least one of whose members has previously released a commercial
25 sound recording under that group's name and in which the member
26 or members have a legal right by virtue of use or operation under
27 the group name without having abandoned the name or affiliation
28 with the group;

1 (3) "Sound recording", a work that results from the
2 fixation on a material object of a series of musical, spoken, or
3 other sounds regardless of the nature of the material object,
4 such as a disk, tape, or other phono-record, in which the sounds
5 are embodied.

6 2. It shall be unlawful for any person to advertise or
7 conduct a live musical performance or production in this state
8 through the use of a false, deceptive, or misleading affiliation,
9 connection, or association between the performing group and the
10 recording group. This section shall not apply if:

11 (1) The performing group is the authorized registrant and
12 owner of a federal service mark for that group registered in the
13 United States Patent and Trademark Office;

14 (2) At least one member of the performing group was a
15 member of the recording group and has a legal right by virtue of
16 use or operation under the group name without having abandoned
17 the name or affiliation with the group;

18 (3) The live musical performance or production is
19 identified in all advertising and promotion as a salute or
20 tribute;

21 (4) The advertising does not relate to a live musical
22 performance or production taking place in this state; or

23 (5) The performance or production is expressly authorized
24 by the recording group.

25 3. (1) Whenever the attorney general or prosecuting
26 attorney has reason to believe that any person is advertising or
27 conducting or is about to advertise or conduct a live musical
28 performance or production in violation of subsection 2 of this

1 section and that proceedings would be in the public interest, the
2 attorney general or prosecuting attorney may bring an action in
3 the name of the state against the person to restrain by temporary
4 or permanent injunction that practice.

5 (2) Whenever any court issues a permanent injunction to
6 restrain and prevent violations of this section as authorized in
7 subdivision (1) of this subsection, the court may in its
8 discretion direct that the defendant restore to any person in
9 interest any moneys or property, real or personal, which may have
10 been acquired by means of any violation of this section, under
11 terms and conditions to be established by the court.

12 4. A person who violates subsection 2 of this section shall
13 be liable to the state for a civil penalty of not less than five
14 thousand dollars nor more than fifteen thousand dollars per
15 violation, which civil penalty shall be in addition to any other
16 relief which may be granted under subsection 3 of this section.
17 Each performance or production declared unlawful by subsection 2
18 of this section shall constitute a separate violation.

19 407.485. 1. It shall be an unfair business practice in
20 violation of section 407.020 for a for profit entity or natural
21 person to collect donations of unwanted household items via a
22 public receptacle and resell the donated items for profit unless
23 the donation receptacle prominently displays a statement in bold
24 letters at least two inches high and two inches wide stating:
25 "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE
26 RESOLD FOR PROFIT".

27 2. It shall be an unfair business practice in violation of
28 section 407.020 for a for profit entity or natural person to

1 collect donations of unwanted household items via a public
2 receptacle and resell the donated items where some or all of the
3 proceeds from the sale are directly given to a not for profit
4 entity unless the donation receptacle prominently displays a
5 statement in bold letters at least two inches high and two inches
6 wide stating: "DONATIONS TO THE FOR PROFIT COMPANY: (name of the
7 company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the
8 not for profit) % OF ALL PROCEEDS ARE DONATED TO (name of the
9 non-profit beneficiary organization's name).".

10 3. It shall be an unfair business practice in violation of
11 section 407.020 for a for profit entity or natural person to
12 collect donations of unwanted household items via a public
13 receptacle and resell the donated items, where such for profit
14 entity is paid a flat fee, not contingent upon the proceeds
15 generated by the sale of the collected goods, and one hundred
16 percent of the proceeds from the sale of the items are given
17 directly to the not for profit, unless the donation receptacle
18 prominently displays a statement in bold letters at least two
19 inches high and two inches wide stating: "THIS DONATION
20 RECEPTACLE IS OPERATED BY THE FOR PROFIT ENTITY: (name of the for
21 profit/individual) ON BEHALF of (name of the non-profit
22 beneficiary organization's name)".

23 4. Nothing in section 407.485 shall apply to paper, glass,
24 or aluminum products that are donated for the purpose of being
25 recycled in the manufacture of other products.

26 5. Any entity which, on or before June 1, 2007, has
27 distributed one hundred or more separate public receptacles
28 within the state of Missouri to which the provisions of

subsections 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after the effective date of this section, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after the effective date of this section.

417.011. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it:

(1) Consists of or comprises immoral, deceptive or scandalous matter; or

(2) Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(3) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(4) Consists of or comprises the name, signature or portrait of any living individual, except with the written consent; or

(5) Consists of a mark which, (a) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods or services of the applicant, is primarily geographically descriptive or deceptively misdescriptive of them, or (c) is

1 primarily merely a surname; provided, however, that nothing in
2 this section shall prevent the registration of a mark used in
3 this state by the applicant which has become distinctive of the
4 applicant's goods or services. The secretary of state may accept
5 as evidence that the mark has become distinctive, as applied to
6 the applicant's goods or services, proof of continuous use
7 thereof as a mark by the applicant in the state or elsewhere for
8 the five years next preceding the date of the filing of the
9 application for registration; or

10 (6) Consists of or comprises a mark which so resembles a
11 mark registered in this state, or a mark or trade name previously
12 used in this state by another and not abandoned, as to be likely,
13 when applied to the goods or services of the applicant, to cause
14 confusion or mistake or to deceive. The duty of the secretary of
15 state under this subsection shall be limited to examination of
16 its registration records.

17 417.016. 1. Subject to the limitations set forth in
18 sections 417.005 to 417.066, any person who adopts and uses a
19 mark in this state may file in the office of the secretary of
20 state, on a form to be authorized or furnished by the secretary
21 of state, an application for registration of that mark setting
22 forth, but not limited to, the following information:

23 (1) The name and business address of the person applying
24 for such registration; and, if a corporation, the state of
25 incorporation;

26 (2) The goods or services in connection with which the mark
27 is used and the mode or manner in which the mark is used in
28 connection with such goods or services and the class in which

1 such goods or services fall;

2 (3) The date when the mark was first used anywhere and the
3 date when it was first used in this state by the applicant or his
4 predecessor in business, unless an application is filed under
5 subsection 2 of this section; and

6 (4) A statement that the applicant is the owner of the mark
7 and that no other person has the right to use such mark in this
8 state either in the identical form thereof or in such near
9 resemblance thereto as might be calculated to deceive or to be
10 mistaken therefor.

11 2. An application for registration may be filed under this
12 section if the applicant provides a signed statement providing
13 that it has a bona fide intention to use the mark in commerce on
14 or in connection with the goods or services listed in the
15 application. If the statement is not filed with the initial
16 application, the statement shall allege that the applicant had a
17 bona fide intention to use the mark in commerce on or in
18 connection with the goods or services listed in the application
19 as of the filing date of the application.

20 3. The application shall be signed [and verified] by the
21 applicant or by a member of the firm or an officer of the
22 corporation or association applying.

23 [3.] 4. The application shall be accompanied by a specimen
24 or facsimile of such mark, in triplicate, for each class of goods
25 or services in which the applicant would like to register the
26 mark. A trademark specimen is a label, tag, or container for the
27 goods, or a display associated with the goods. The secretary of
28 state may accept another document related to the goods or the

1 sale of the goods when it is not possible to place the mark on
2 the goods or packaging for the goods. A service mark specimen
3 shall show the mark as actually used in the sale or advertising
4 of the services.

5 [4.] 5. The application for registration shall be
6 accompanied by a fee of fifty dollars, payable to the director of
7 revenue.

8 [5.] 6. The secretary of state may also require a statement
9 as to whether an application to register the mark, or portions or
10 a composite thereof, has been filed by the applicant or a
11 predecessor in interest in the United States Patent and Trademark
12 Office; and, if so, the applicant shall provide full particulars
13 with respect thereof including the filing date and serial number
14 of each application, the status thereof and, if any application
15 was finally refused registration or has otherwise not resulted in
16 a registration, the reasons therefor.

17 [6.] 7. The secretary of state may also require that a
18 drawing of the mark, complying with such requirements as the
19 secretary of state may specify, accompany the application.

20 [7.] 8. Upon the filing of an application for registration
21 and payment of the application fee, the secretary of state may
22 cause the application to be examined for conformity with sections
23 417.005 to 417.066.

24 [8.] 9. The applicant shall provide [any additional
25 pertinent information requested by the] to the secretary of state
26 [including] a written description of a design mark and may make,
27 or authorize the secretary of state to make, such amendments to
28 the application as may be reasonably requested by the secretary

1 of state or deemed by the applicant to be advisable to respond to
2 any rejection or objection.

3 [9.] 10. The secretary of state may require the applicant
4 to disclaim an unregistrable component of a mark otherwise
5 registrable, and an applicant may voluntarily disclaim a
6 component of a mark sought to be registered. No disclaimer shall
7 prejudice or affect the applicant's or registrant's rights then
8 existing or thereafter arising in the disclaimed matter, or the
9 applicant's or registrant's rights of registration on another
10 application if the disclaimed matter be or shall have become
11 distinctive of the applicant's or registrant's goods or services.

12 [10.] 11. Amendments may be made by the secretary of state
13 upon the application submitted by the applicant with the
14 applicant's agreement; or a fresh application may be required to
15 be submitted.

16 [11.] 12. If the applicant is found not to be entitled to
17 registration, the secretary of state shall advise the applicant
18 thereof and of the reasons therefor. The applicant shall have a
19 reasonable period of time specified by the secretary of state in
20 which to reply or to amend the application, in which event the
21 application shall then be reexamined. This procedure may be
22 repeated until:

23 (1) The secretary of state finally refuses registration of
24 the mark; or

25 (2) The applicant fails to reply or amend within the
26 specified period, whereupon the application shall be deemed to
27 have been abandoned.

28 [12.] 13. If the secretary of state finally refuses

1 registration of the mark, the applicant may seek, in the circuit
2 court of Cole County, an extraordinary writ to compel such
3 registration. Such injunction may be granted, but without costs
4 to the secretary of state, on proof that all the statements in
5 the application are true and that the mark is otherwise entitled
6 to registration.

7 [13.] 14. In the instance of applications concurrently
8 being processed by the secretary of state seeking registration of
9 the same or confusingly similar marks for the same or related
10 goods or services, the secretary of state shall grant priority to
11 the applications in order of filing. If a prior-filed
12 application is granted a registration, the other application or
13 applications shall then be rejected. Any rejected applicant may
14 bring an action for cancellation of the registration upon grounds
15 of prior or superior rights to the mark, in accordance with the
16 provisions of section 417.041.

17 417.046. 1. The general classes of goods and services as
18 provided in this section are established for convenience of
19 administration of sections 417.005 to 417.066, but not to limit
20 or extend the applicant's or registrant's rights[, and a single
21 application for registration of a mark may include any or all
22 goods upon which, or services with which, the mark is actually
23 being used comprised in a single class, but in no event shall a
24 single application include goods or services upon which the mark
25 is being used which fall within different classes of goods or
26 services]. Applications for registration of a mark may include
27 any or all goods upon which, or services with which, the mark is
28 actually being used, or in which the applicant has a bona fide

1 intention to use.

2 2. In a single application, an applicant may apply to
3 register the same mark for goods or services in multiple classes.

4 The applicant shall:

5 (1) Specifically identify the goods or services in each
6 class;

7 (2) Submit an application filing fee for each class as
8 provided in this chapter; and

9 (3) Include either dates of use and one specimen for each
10 class, or shall allege that the applicant has a bona fide
11 intention to use the mark in commerce on or in connection with
12 the goods or services listed in the application.

13 3. The classes of goods and services are as follows:

14 GOODS

15 (1) Chemicals used in industry, science, and photography,
16 as well as in agriculture, horticulture, and forestry;
17 unprocessed artificial resins; unprocessed plastics; manures;
18 fire extinguishing compositions; tempering and soldering
19 preparations; chemical substances for preserving foodstuffs;
20 tanning substances; adhesives used in industry;

21 (2) Paints, varnishes, and lacquers; preservatives against
22 rust and against deterioration of wood; colorants; mordants; raw
23 natural resins; metals in foil and powder form for painters,
24 decorators, printers, and artists;

25 (3) 【Cosmetics and cleaning preparations】 Bleaching
26 preparations and other substances for laundry use; cleaning,
27 polishing, scouring, and abrasive preparations; soaps; perfumery;

1 essential oils; cosmetics; hair lotions; dentifrices;

2 (4) [Lubricants and fuels] Industrial oils and greases;
3 lubricants; dust absorbing, wetting, and binding compositions;
4 fuels, including motor spirit; illuminants; candles; wicks;

5 (5) Pharmaceuticals, veterinary, and sanitary preparations;
6 dietetic substances adapted for medical use; food for babies;
7 plasters; material for dressings; material for stopping teeth;
8 dental wax; disinfectants; preparations for destroying vermin;
9 fungicides; herbicides;

10 (6) [Metal goods] Common metals and their alloys; metal
11 building materials; transportable buildings of metal; materials
12 of metal for railway tracks; nonelectric cables and wires of
13 common metal; ironmongery; small items of metal hardware; pipes
14 and tubes of metal; safes; goods of common metal not included in
15 other classes; ores;

16 (7) [Machinery] Machines and machine tools; motors and
17 engines, except for land vehicles; machine coupling and
18 transmission components, except for land vehicles; agricultural
19 implements not hand-operated; incubators for eggs;

20 (8) Hand tools and hand-operated implements; cutlery; side
21 arms; razors;

22 (9) [Electrical and scientific apparatus] Scientific,
23 nautical, surveying, electric, photographic, cinematographic,
24 optical, weighing, measuring, signaling, checking (supervision),
25 life-saving, and teaching apparatus and instruments; apparatus
26 for recording, transmission, or reproduction of sound or images;
27 magnetic data carriers; recording discs; automatic vending
28 machines and mechanisms for coin-operated apparatus; cash

registers; calculating machines; data processing equipment and computers; fire extinguishing apparatus;

(10) **[Medical apparatus]** Surgical, medical, dental, and veterinary apparatus and instruments; artificial limbs, eyes, and teeth; orthopedic articles; suture materials;

(11) **[Environmental control apparatus]** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes;

(12) Vehicles and apparatus for locomotion by land, air, or water;

(13) Firearms; ammunition and projectiles; explosives; fireworks;

(14) **[Jewelry]** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry and precious stones; horological and chronometric instruments;

(15) Musical instruments;

(16) **[Paper goods and printed matter]** Paper, cardboard, and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites, except furniture; instructional and teaching material, except apparatus; plastic materials for packaging, not included in other classes; playing cards; printers' type; printing blocks;

(17) **Rubber [goods], gutta-percha, gum, asbestos, mica, and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture;**

1 packing, stopping, and insulating materials; flexible pipes, not
2 of metal;

3 (18) Leather [goods], imitations of leather, and goods made
4 of these materials and not included in other classes; animal
5 skins and hides; trunks and traveling bags; umbrellas, parasols,
6 and walking sticks; whips, harnesses, and saddlery;

7 (19) Nonmetallic building materials; nonmetallic rigid
8 pipes for building; asphalt, pitch, and bitumen; nonmetallic
9 transportable buildings; monuments, not of metal;

10 (20) Furniture [and articles not otherwise classified],
11 mirrors, and picture frames; goods of wood, cork, reed, cane,
12 wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-
13 pearl, meerschaum and substitutes for all these materials, or of
14 plastics;

15 (21) [Housewares and glass] Household or kitchen utensils
16 and containers not of precious metal or coated therewith; combs
17 and sponges; brushes, except paint brushes; brush-making
18 material; articles for cleaning purposes; steel wool; unworked or
19 semi-worked glass, except glass used in building; glassware,
20 porcelain, and earthenware not included in other classes;

21 (22) [Cordage and fibers] Ropes, strings, nets, tents,
22 awnings, tarpaulins, sails, sacks, and bags not included in other
23 classes; padding and stuffing materials, except of rubber or
24 plastics; raw fibrous textile materials;

25 (23) Yarns and threads for textile use;

26 (24) [Fabrics] Textiles and textile goods, not included in
27 other classes; beds and table covers;

28 (25) Clothing, footwear, and headgear;

1 (26) [Fancy goods] Lace and embroidery; ribbons and braid;
2 buttons, hooks, and eyes; pins and needles; artificial flowers;

3 (27) [Floor coverings] Carpets, rugs, mats, and matting;
4 linoleum and other materials for covering existing floors;
5 nontextile wall hangings;

6 (28) [Toys and sporting goods] Games and playthings;
7 gymnastics and sporting articles not included in other classes;
8 decorations for Christmas trees;

9 (29) [Meats and processed foods] Meat, fish, poultry, and
10 game; meat extracts; preserved, dried, and cooked fruits and
11 vegetables; jellies, jams, and fruit sauces; eggs, milk, and milk
12 products; edible oils and fats;

13 (30) [Staple foods] Coffee, tea, cocoa, sugar, rice,
14 tapioca, sago, and artificial coffee; flour and preparations made
15 from cereals, bread, pastry and confectionary; ices; honey;
16 treacle; yeast; baking powder; salt; mustard; vinegar; sauces
17 (condiments); spices;

18 (31) [Natural agricultural products] Agricultural,
19 horticultural, and forestry products and grains not included in
20 other classes; live animals; fresh fruits and vegetables; seeds,
21 natural plants, and flowers; foodstuffs for animals; malt;

22 (32) [Light beverages] Beers; mineral and aerated waters
23 and other nonalcoholic drinks; fruit drinks and fruit juices;
24 syrups and other preparations for making beverages;

25 (33) [Wines and spirits] Alcoholic beverages, except beer;
26 and

27 (34) [Smokers' articles] Tobacco; smokers' articles;
28 matches.

SERVICES

(35) [Advertising and business] Advertising; business management; business administration; office functions;

(36) [Insurance and financial] Insurance; financial affairs; monetary affairs; real estate affairs;

(37) [Construction and repair] Building construction; repair; installation services;

(38) [Communications] Telecommunications;

(39) [Transportation and storage] Transport; packaging and storage of goods; travel arrangement;

(40) [Material treatment] Treatment of materials;

(41) Education [and entertainment and]; providing of training; entertainment; sporting and cultural activities;

(42) [Miscellaneous] Scientific and technological services, research, and design relating thereto; industrial analysis and research services; design and development of computer hardware; legal services;

(43) Services for providing food and drink; temporary accommodations;

(44) Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture, and forestry services; and

(45) Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

417.049. The secretary of state shall promulgate rules to implement the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is

created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This chapter and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

427.225. 1. Deceptive use of a financial institution's name in notification or solicitation occurs when a business, or a person acting on its behalf, engages in the following activity:

(1) Through advertisement, solicitation, or other notification, either verbally or through any other means, informs a consumer of the availability of any type of goods or services that are not free;

(2) The name of an unrelated and unaffiliated financial institution is mentioned in any manner;

(3) The goods or services mentioned are not actually provided by the unrelated and unaffiliated financial institution whose name is mentioned;

(4) The business on whose behalf the notification or solicitation is made does not have a consensual right to mention the name of the unrelated and unaffiliated financial institution; and

(5) Neither the actual name nor trade name of the business on whose behalf the notification or solicitation is being made is

1 stated, nor the actual name or trade name of any actual provider
2 of the goods or services is stated, so as to clearly identify for
3 the consumer a name that is distinguishable and separate from the
4 name of the unrelated and unaffiliated financial institution
5 whose name is mentioned in any manner in the notification or
6 solicitation, and thereby a misleading implication or ambiguity
7 is created, such that a consumer who is the recipient of the
8 advertisement, solicitation or notification may reasonably but
9 erroneously believe:

10 (a) That the goods or services whose availability is
11 mentioned are made available by or through the unrelated and
12 unaffiliated financial institution whose name is mentioned; or

13 (b) That the unrelated and unaffiliated financial
14 institution whose name is mentioned is the one communicating with
15 the consumer.

16 2. Deceptive use of another's name in notification or
17 solicitation occurs when a business, or a person acting on its
18 behalf, engages in the following activity:

19 (1) Falsely states or implies that any person, product or
20 service is recommended or endorsed by a named third-person
21 financial institution; or

22 (2) Falsely states that information about the consumer
23 including but not limited to the name, address, or phone number
24 of the consumer has been provided by a third-person financial
25 institution, whether that person is named or unnamed.

26 3. [Only] The financial institution whose name is
27 deceptively used, as provided in this section, may bring a
28 private civil action and recover a minimum amount of ten thousand

1 dollars, court costs, and attorney fees plus any damages such
2 financial institution may prove at trial.

3 4. For the purposes of this section, a financial
4 institution includes a commercial bank, savings and loan
5 association, savings bank, credit union, mortgage banker, or
6 consumer finance company, or an institution chartered pursuant to
7 the provisions of an act of the United States known as the Farm
8 Credit Act of 1971.

9 5. Nothing contained in this section shall bar the attorney
10 general from enforcing the provisions of sections 407.010 to
11 407.145, RSMo.

12 431.056. A minor shall be qualified and competent to
13 contract for housing, employment, purchase of an automobile,
14 receipt of a student loan, admission to high school or
15 postsecondary school, obtaining medical care, establishing a bank
16 account [and], admission to a shelter for victims of domestic
17 violence, as defined in section 455.200, RSMo, or a homeless
18 shelter, and receipt of services as a victim of domestic and
19 sexual violence, including but not limited to counseling, court
20 advocacy, financial assistance, and other advocacy services, if:

21 (1) The minor is sixteen or seventeen years of age; and

22 (2) The minor is homeless, as defined in subsection 1 of
23 section 167.020, RSMo, or a victim of domestic violence, as
24 defined in section 455.200, RSMo, unless the child is under the
25 supervision of the children's division or the jurisdiction of the
26 juvenile court; and

27 (3) The minor is self-supporting, such that the minor is
28 without the physical or financial support of a parent or legal

guardian; and

(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110, RSMo.

ARTICLE I

GENERAL PROVISIONS

452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act".

452.705. As used in sections 452.700 to 452.930:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision;

(2) "Child" means an individual who has not attained eighteen years of age;

(3) "Child custody determination" means a judgment, decree,

1 or other order of a court providing for the legal custody,
2 physical custody, or visitation with respect to a child. The
3 term includes a permanent, temporary, initial, or modification
4 order. The term shall not include an order relating to child
5 support or other monetary obligation of an individual;

6 (4) "Child custody proceeding" means a proceeding in which
7 legal custody, physical custody, or visitation with respect to a
8 child is an issue. The term includes a proceeding for divorce,
9 separation, neglect, abuse, dependency, guardianship, paternity,
10 termination of parental rights, and protection from domestic
11 violence in which the issue may appear. The term shall not
12 include a proceeding involving juvenile delinquency, contractual
13 emancipation, or enforcement under sections 452.850 to 452.915;

14 (5) "Commencement" means the filing of the first pleading
15 in a proceeding;

16 (6) "Court" means an entity authorized under the law of a
17 state to establish, enforce, or modify a child custody
18 determination;

19 (7) "Decree" or "custody decree" means a custody
20 determination contained in a judicial decree or order made in a
21 custody proceeding, and includes an initial decree and a
22 modification decree;

23 (8) "Home state" means the state in which a child has lived
24 with a parent or a person acting as a parent for at least six
25 consecutive months immediately prior to the commencement of a
26 child custody proceeding. In the case of a child less than six
27 months of age, the term means the state in which the child has
28 lived from birth with any of the persons mentioned. A period of

temporary absence of any of the mentioned persons is part of such period;

(9) "Initial determination" means the first child custody determination concerning a particular child;

(10) "Issuing court" means the court making a child custody determination for which enforcement is sought under sections 452.700 to 452.930;

(11) "Issuing state" means the state in which a child custody determination is made;

(12) "Litigant" means a person, including a parent, grandparent, or stepparent, who claims a right to custody or visitation with respect to a child;

(13) "Modification" means a child custody determination that changes, replaces, supersedes or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination;

(14) "Person" includes government, a governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(15) "Person acting as a parent" means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately prior to the commencement of a child custody proceeding; and

(b) Has been awarded legal custody by a court or claims a right to legal custody under the law of this state;

(16) "Physical custody" means the physical care and

supervision of a child;

(17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(18) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

452.710. Sections 452.700 to 452.930 shall not govern:

(1) An adoption proceeding; or

(2) A proceeding pertaining to the authorization of emergency medical care for a child.

452.715. 1. A child custody proceeding that pertains to an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., is not subject to sections 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

2. A court of this state shall treat a tribe as a state of the United States for purposes of sections 452.700 to 452.930.

3. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall be recognized and enforced under the provisions of sections 452.850 to 452.915.

452.720. 1. A court of this state shall treat a foreign country as a state of the United States for purposes of applying sections 452.700 to 452.785.

2. A child custody determination made in a foreign country under factual circumstances in substantial conformity with the

1 jurisdictional standards of sections 452.700 to 452.930 shall be
2 recognized and enforced under sections 452.850 to 452.915.

3 3. The court need not apply the provisions of sections
4 452.700 to 452.930 when the child custody law of the other
5 country violates fundamental principles of human rights.

6 452.725. 1. A party to a child custody proceeding who is
7 not subject to personal jurisdiction in this state and is a
8 responding party under sections 452.740 to 452.785, a party in a
9 proceeding to modify a child custody determination under sections
10 452.740 to 452.785, or a petitioner in a proceeding to enforce or
11 register a child custody determination under sections 452.850 to
12 452.915 may appear and participate in such proceeding without
13 submitting to personal jurisdiction over the party for another
14 proceeding or purpose.

15 2. A party is not subject to personal jurisdiction in this
16 state solely by being physically present for the purpose of
17 participating in a proceeding under sections 452.700 to 452.930.
18 If a party is subject to personal jurisdiction in this state on a
19 basis other than physical presence, the party may be served with
20 process in this state. If a party present in this state is
21 subject to the jurisdiction of another state, service of process
22 permissible under the laws of the other state may be accomplished
23 in this state.

24 3. The immunity granted by this section shall not extend to
25 civil litigation based on acts unrelated to the participation in
26 a proceeding under sections 452.700 to 452.930 committed by an
27 individual while present in this state.

28 452.730. 1. A court of this state may communicate with a

1 court in another state concerning a proceeding arising under
2 sections 452.700 to 452.930.

3 2. The court may allow the parties to participate in the
4 communication. If the parties are not able to participate in the
5 communication, the parties shall be given the opportunity to
6 present facts and legal arguments before a decision on
7 jurisdiction is made.

8 3. A communication between courts on schedules, calendars,
9 court records, and similar matters may occur without informing
10 the parties. A record need not be made of such communication.

11 4. Except as provided in subsection 3 of this section, a
12 record shall be made of the communication. The parties shall be
13 informed promptly of the communication and granted access to the
14 record.

15 5. For the purposes of this section, "record" means
16 information that is inscribed on a tangible medium, or that which
17 is stored in an electronic or other medium and is retrievable in
18 perceivable form. A record includes notes or transcripts of a
19 court reporter who listened to a conference call between the
20 courts, an electronic recording of a telephone call, a memorandum
21 or an electronic record of the communication between the courts,
22 or a memorandum or an electronic record made by a court after the
23 communication.

24 452.735. 1. A court of this state may request the
25 appropriate court of another state to:

26 (1) Hold an evidentiary hearing;

27 (2) Order a person to produce or give evidence under
28 procedures of that state;

1 (3) Order that an evaluation be made with respect to the
2 custody of a child involved in a pending proceeding;

3 (4) Forward to the court of this state a certified copy of
4 the transcript of the record of the hearing, the evidence
5 otherwise presented and any evaluation prepared in compliance
6 with the request; and

7 (5) Order a party to a child custody proceeding or any
8 person having physical custody of the child to appear in the
9 proceeding with or without the child.

10 2. Upon request of a court of another state, a court of
11 this state may hold a hearing or enter an order described in
12 subsection 1 of this section.

13 3. Travel and other necessary and reasonable expenses
14 incurred under subsection 1 or 2 of this section may be assessed
15 against the parties according to the law of this state.

16 4. A court of this state shall preserve the pleadings,
17 orders, decrees, records of hearings, evaluations, and other
18 pertinent records with respect to a child custody proceeding
19 until the child attains eighteen years of age. Upon appropriate
20 request by a court or law enforcement official of another state,
21 the court shall forward a certified copy of such records.

22 ARTICLE II

23 JURISDICTION

24 452.740. 1. Except as otherwise provided in section
25 452.755, a court of this state has jurisdiction to make an
26 initial child custody determination only if:

27 (1) This state is the home state of the child on the date
28 of the commencement of the proceeding, or was the home state of

the child within six months prior to the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 452.770 or 452.775, and:

(a) The child and the child's parents, or the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence; and

(b) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships;

(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 452.770 or 452.775; or

(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this subsection.

2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

452.745. 1. Except as otherwise provided in section

452.755, a court of this state that has made a child custody determination consistent with section 452.740 or 452.750 has exclusive continuing jurisdiction over the determination until:

(1) A court of this state determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this state, and that substantial evidence is no longer available in this state concerning the child's care, protection, training and personal relationships; or

(2) A court of this state or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this state.

2. A court of this state that has exclusive continuing jurisdiction under this section may decline to exercise its jurisdiction if the court determines that it is an inconvenient forum under section 452.770.

3. A court of this state that has made a child custody determination and does not have exclusive continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 452.740.

452.747. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under section 452.410 or sections

1 452.700 to 452.930, the litigants, any parent whose parental
2 rights have not been previously terminated, and any person who
3 has physical custody of the child shall be served in the manner
4 provided by the rules of civil procedure and applicable court
5 rules and may within thirty days after the date of service
6 (forty-five days if service by publication) file a verified
7 answer. If any such persons are outside this state, notice and
8 opportunity to be heard shall be given under section 452.740.

9 3. In any case in which the paternity of a child has been
10 determined by a court of competent jurisdiction and where the
11 noncustodial parent is delinquent in the payment of child support
12 in an amount in excess of ten thousand dollars, the custodial
13 parent shall have the right to petition a court of competent
14 jurisdiction for the termination of the parental rights of the
15 noncustodial parent.

16 4. When a person filing a petition for modification of a
17 child custody decree owes past due child support to a custodial
18 parent in an amount in excess of ten thousand dollars, such
19 person shall post a bond in the amount of past due child support
20 owed as ascertained by the division of child support enforcement
21 or reasonable legal fees of the custodial parent, whichever is
22 greater, before the filing of the petition. The court shall hold
23 the bond in escrow until the modification proceedings under this
24 section have been concluded wherein such bond shall be
25 transmitted to the division of child support enforcement for
26 disbursement to the custodial parent.

27 452.750. Except as otherwise provided in section 452.755, a
28 court of this state shall not modify a child custody

determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (1) or (2) of subsection 1 of section 452.740 and:

(1) The court of the other state determines it no longer has exclusive continuing jurisdiction under section 452.745 or that a court of this state would be a more convenient forum under section 452.770; or

(2) A court of this state or a court of the other state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in the other state.

452.755. 1. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned, or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

2. If there is no previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section becomes a final determination if:

(1) It so provides; and

1 (2) This state becomes the home state of the child.

2 3. If there is a previous child custody determination that
3 is entitled to be enforced under sections 452.700 to 452.930, or
4 a child custody proceeding has been commenced in a court of a
5 state having jurisdiction under sections 452.740 to 452.750, any
6 order issued by a court of this state under this section shall
7 specify in the order a period of time which the court considers
8 adequate to allow the person seeking an order to obtain an order
9 from the state having jurisdiction under sections 452.740 to
10 452.750. The order issued in this state remains in effect until
11 an order is obtained from the other state within the period
12 specified or the period expires.

13 4. A court of this state that has been asked to make a
14 child custody determination under this section, upon being
15 informed that a child custody proceeding has been commenced, or a
16 child custody determination has been made, by a court of a state
17 having jurisdiction under sections 452.740 to 452.750, shall
18 immediately communicate with the other court. A court of this
19 state that is exercising jurisdiction under sections 452.740 to
20 452.750, upon being informed that a child custody proceeding has
21 been commenced, or a child custody determination has been made by
22 a court of another state under a statute similar to this section
23 shall immediately communicate with the court of that state. The
24 purpose of such communication is to resolve the emergency,
25 protect the safety of the parties and the child, and determine a
26 period for the duration of the temporary order.

27 452.760. 1. Before a child custody determination is made
28 under sections 452.700 to 452.930, notice and an opportunity to

be heard in accordance with the standards of section 452.762
shall be given to:

(1) All persons entitled to notice under the provisions of
the law of this state as in child custody proceedings between
residents of this state;

(2) Any parent whose parental rights have not been
previously terminated; and

(3) Any person having physical custody of the child.

2. Sections 452.700 to 452.930 shall not govern the
enforceability of a child custody determination made without
notice and an opportunity to be heard.

3. The obligation to join a party and the right to
intervene as a party in a child custody proceeding under sections
452.700 to 452.930 are governed by the law of this state as in
child custody proceedings between residents of this state.

452.762. 1. Notice required for the exercise of
jurisdiction when a person is outside this state may be given in
a manner prescribed by the law of this state for the service of
process or by the law of the state in which the service is made.
Notice must be given in a manner reasonably calculated to give
actual notice, but may be by publication if other means are not
effective.

2. Proof of service may be made in the manner prescribed by
law of this state or by the law of the state in which the service
is made.

3. Notice is not required for the exercise of jurisdiction
with respect to a person who submits to the jurisdiction of the
court.

1 452.765. 1. Except as otherwise provided in section
2 452.755, a court of this state shall not exercise its
3 jurisdiction under sections 452.740 to 452.785 if, at the time of
4 the commencement of the proceeding, a proceeding concerning the
5 custody of the child had been previously commenced in a court of
6 another state having jurisdiction substantially in conformity
7 with sections 452.700 to 452.930, unless the proceeding has been
8 terminated or is stayed by the court of the other state because a
9 court of this state is a more convenient forum under section
10 452.770.

11 2. Except as otherwise provided in section 452.755, a court
12 of this state, prior to hearing a child custody proceeding, shall
13 examine the court documents and other information supplied by the
14 parties under section 452.780. If the court determines that a
15 child custody proceeding was previously commenced in a court in
16 another state having jurisdiction substantially in accordance
17 with sections 452.700 to 452.930, the court of this state shall
18 stay its proceeding and communicate with the court of the other
19 state. If the court of the state having jurisdiction
20 substantially in accordance with sections 452.700 to 452.930 does
21 not determine that the court of this state is a more appropriate
22 forum, the court of this state shall dismiss the proceeding.

23 3. In a proceeding to modify a child custody determination,
24 a court of this state shall determine if a proceeding to enforce
25 the determination has been commenced in another state. If a
26 proceeding to enforce a child custody determination has been
27 commenced in another state, the court may:

28 (1) Stay the proceeding for modification pending the entry

1 of an order of a court of the other state enforcing, staying,
2 denying or dismissing the proceeding for enforcement;

3 (2) Enjoin the parties from continuing with the proceeding
4 for enforcement; or

5 (3) Proceed with the modification under conditions it
6 considers appropriate.

7 452.770. 1. A court of this state that has jurisdiction
8 under sections 452.700 to 452.930 to make a child custody
9 determination may decline to exercise its jurisdiction at any
10 time if the court determines that it is an inconvenient forum
11 under the circumstances and that a court of another state is a
12 more appropriate forum. The issue of inconvenient forum may be
13 raised upon the court's own motion, at the request of another
14 court or upon motion of a party.

15 2. Before determining whether the court is an inconvenient
16 forum, a court of this state shall consider whether it is
17 appropriate that a court of another state exercise jurisdiction.
18 For this purpose, the court shall allow the parties to submit
19 information and shall consider all relevant factors, including:

20 (1) Whether domestic violence has occurred and is likely to
21 continue in the future and which state could best protect the
22 parties and the child;

23 (2) The length of time the child has resided outside this
24 state;

25 (3) The distance between the court in this state and the
26 court in the state that would assume jurisdiction;

27 (4) The relative financial circumstances of the parties;

28 (5) Any agreement of the parties as to which state should

1 assume jurisdiction;

2 (6) The nature and location of the evidence required to
3 resolve the pending litigation, including the testimony of the
4 child;

5 (7) The ability of the court of each state to decide the
6 issue expeditiously and the procedures necessary to present the
7 evidence; and

8 (8) The familiarity of the court of each state with the
9 facts and issues of the pending litigation.

10 3. If a court of this state determines that it is an
11 inconvenient forum and that a court of another state is a more
12 appropriate forum, the court shall stay the proceedings on the
13 condition that a child custody proceeding be promptly commenced
14 in another designated state and may impose any other condition
15 the court considers just and proper.

16 4. A court of this state may decline to exercise its
17 jurisdiction under sections 452.700 to 452.930 if a child custody
18 determination is incidental to an action for divorce or another
19 proceeding while still retaining jurisdiction over the divorce or
20 other proceeding.

21 452.775. 1. Except as otherwise provided in section
22 452.755, if a court of this state has jurisdiction under sections
23 452.700 to 452.930 because a person invoking the jurisdiction has
24 engaged in unjustifiable conduct, the court shall decline to
25 exercise its jurisdiction unless:

26 (1) The parents and all persons acting as parents have
27 acquiesced in the exercise of jurisdiction;

28 (2) A court of the state otherwise having jurisdiction

1 under sections 452.740 to 452.750 determines that this state is a
2 more appropriate forum under section 452.770; or

3 (3) No other state would have jurisdiction under sections
4 452.740 to 452.750.

5 2. If a court of this state declines to exercise its
6 jurisdiction under subsection 1 of this section, the court may
7 fashion an appropriate remedy to ensure the safety of the child
8 and prevent a repetition of the wrongful conduct, including
9 staying the proceeding until a child custody proceeding is
10 commenced in a court having jurisdiction under sections 452.740
11 to 452.750.

12 3. If a court dismisses a petition or stays a proceeding
13 because it declines to exercise its jurisdiction under subsection
14 1 of this section, the court shall charge the party invoking the
15 jurisdiction of the court with necessary and reasonable expenses
16 including costs, communication expenses, attorney's fees,
17 investigative fees, expenses for witnesses, travel expenses and
18 child care during the course of the proceedings, unless the party
19 from whom fees are sought establishes that the award would be
20 clearly inappropriate. The court may not assess fees, costs or
21 expenses against this state except as otherwise provided by law
22 other than sections 452.700 to 452.930.

23 452.780. 1. Subject to local law providing for the
24 confidentiality of procedures, addresses, and other identifying
25 information, in a child custody proceeding, each party, in its
26 first pleading or in an attached affidavit, shall give
27 information, if reasonably ascertainable, under oath as to the
28 child's present address, the places where the child has lived

1 during the last five years, and the names and present addresses
2 of the persons with whom the child has lived during such period.

3 The pleading or affidavit shall state whether the party:

4 (1) Has participated, as a party or witness or in any other
5 capacity, in any other proceeding concerning the custody of or
6 visitation with the child and, if so, identify the court, case
7 number of the proceeding and date of the child custody
8 determination, if any;

9 (2) Knows of any proceeding that could affect the current
10 proceeding, including proceedings for enforcement and proceedings
11 relating to domestic violence, protective orders, termination of
12 parental rights, and adoptions and, if so, identify the court and
13 case number and nature of the proceeding; and

14 (3) Knows the names and addresses of any person not a party
15 to the proceeding who has physical custody of the child or claims
16 rights of legal custody or physical custody of, or visitation
17 with, the child and, if so, the names and addresses of such
18 persons.

19 2. If the information required by subsection 1 of this
20 section is not furnished, the court, upon its own motion or that
21 of a party, may stay the proceeding until the information is
22 furnished.

23 3. If the declaration as to any of the items described in
24 subdivisions (1) to (3) of subsection 1 of this section is in the
25 affirmative, the declarant shall give additional information
26 under oath as required by the court. The court may examine the
27 parties under oath as to details of the information furnished and
28 other matters pertinent to the court's jurisdiction and the

1 disposition of the case.

2 4. Each party has a continuing duty to inform the court of
3 any proceeding in this or any other state that could affect the
4 current proceeding.

5 5. If a party alleges in an affidavit or a pleading under
6 oath that the health, safety, or liberty of a party or child
7 would be put at risk by the disclosure of identifying
8 information, that information shall be sealed and not disclosed
9 to the other party or the public unless the court orders the
10 disclosure to be made after a hearing in which the court takes
11 into consideration the health, safety, or liberty of the party or
12 child and determines that the disclosure is in the interest of
13 justice.

14 452.782. If the court learns from information furnished by
15 the parties under section 452.800 or from other sources that a
16 person not a party to the custody proceeding has physical custody
17 of the child or claims to have custody or visitation rights with
18 respect to the child, it may order that person to be joined as a
19 party and to be duly notified of the pendency of the proceeding
20 and of his or her joinder as a party. If the person joined as a
21 party is outside this state, such person shall be served with
22 process or otherwise notified in accordance with section 452.762.

23 452.785. 1. The court may order any party to the
24 proceeding who is in this state to appear before the court
25 personally. If the court finds the physical presence of the
26 child to be in the best interest of the child, the court may
27 order that the party who has physical custody of the child to
28 appear physically with the child.

1 2. If a party to a child custody proceeding whose presence
2 is desired by the court is outside this state, with or without
3 the child, the court may order that a notice given under section
4 452.762 include a statement directing the party to appear
5 personally with or without the child.

6 3. If a party to the proceeding who is outside this state
7 is directed to appear under subsection 1 of this section or
8 desires to appear personally before the court with or without the
9 child, the court may require another party to pay to the clerk of
10 the court travel and other necessary expenses of the party so
11 appearing and of the child, if this is just and proper under the
12 circumstances.

13 4. If the court finds it to be in the best interest of the
14 child that a guardian ad litem be appointed, the court may
15 appoint a guardian ad litem for the child. The guardian ad litem
16 so appointed shall be an attorney licensed to practice law in the
17 state of Missouri. Disqualification of a guardian ad litem shall
18 be ordered in any legal proceeding under this chapter upon the
19 filing of a written application by any party within ten days of
20 appointment. Each party shall be entitled to one
21 disqualification of a guardian ad litem appointed under this
22 subsection in each proceeding, except a party may be entitled to
23 additional disqualifications of a guardian ad litem for good
24 cause shown. The guardian ad litem may, for the purpose of
25 determining custody of the child only, participate in the
26 proceeding as if such guardian ad litem were a party. The court
27 shall enter judgment allowing a reasonable fee to the guardian ad
28 litem.

1 5. The court shall appoint a guardian ad litem in any
2 proceeding in which child abuse or neglect is alleged.

3 6. The court may enter any orders necessary to ensure the
4 safety of the child and of any person ordered to appear under
5 this section.

6 452.790. A child custody determination made by a court of
7 this state that had jurisdiction under sections 452.700 to
8 452.930 binds all persons who have been served in accordance with
9 the laws of this state or notified in accordance with section
10 452.762 or who have submitted to the jurisdiction of the court,
11 and who have been given an opportunity to be heard. The
12 determination is conclusive as to them as to all decided issues
13 of law and fact except to the extent the determination is
14 modified.

15 452.795. A court of this state shall accord full faith and
16 credit to an order made consistently with sections 452.700 to
17 452.930 which enforces a child custody determination by a court
18 of another state unless the order has been vacated, stayed, or
19 modified by a court authorized to do so under sections 452.740 to
20 452.845.

21 452.800. Except as otherwise provided in section 452.755, a
22 court of this state may not modify a child custody determination
23 made by a court of another state unless a court of this state has
24 jurisdiction to make an initial determination under subdivision
25 (1) or (2) of subsection 1 of section 452.740 and:

26 (1) The court of the other state determines that it no
27 longer has exclusive, continuing jurisdiction under section
28 452.745 or that a court of this state would be a more convenient

1 forum under section 452.770; or

2 (2) A court of this state or a court of the other state
3 determines that neither child, nor a parent, nor any person
4 acting as a parent presently resides in the other state.

5 452.805. 1. A certified copy of a custody decree of
6 another state may be filed in the office of the clerk of any
7 circuit court of this state. The clerk shall treat the decree in
8 the same manner as a custody decree of the circuit court of this
9 state. A custody decree so filed has the same effect and shall
10 be enforced in like manner as a custody decree rendered by a
11 court of this state.

12 2. A person violating a custody decree of another state
13 which makes it necessary to enforce the decree in this state may
14 be required to pay necessary travel and other expenses, including
15 attorneys' fees, incurred by the party entitled to the custody or
16 the party's witnesses.

17 3. A court of this state shall recognize and enforce a
18 child custody determination of a court of another state if the
19 latter court exercised jurisdiction that was in substantial
20 conformity with sections 452.700 to 452.930 or the determination
21 was made under factual circumstances meeting the jurisdictional
22 standards of sections 452.700 to 452.930 and the determination
23 has not been modified in accordance with sections 452.700 to
24 452.930.

25 4. A court may utilize any remedy available under other law
26 of this state to enforce a child custody determination made by a
27 court of another state. The procedure provided by sections
28 452.740 to 452.845 does not affect the availability of other

1 remedies to enforce a child custody determination.

2 452.810. 1. A child custody determination issued by a
3 court of another state may be registered in this state, with or
4 without a simultaneous request for enforcement, by sending to the
5 appropriate court in this state:

6 (1) A letter or other document requesting registration;

7 (2) Two copies, including one certified copy, of the
8 determination sought to be registered, and a statement under
9 penalty of perjury that to the best of the knowledge and belief
10 of the person seeking registration the order has not been
11 modified; and

12 (3) Except as otherwise provided in section 452.780, the
13 name and address of the person seeking registration and any
14 parent or person acting as a parent who has been awarded custody
15 or visitation in the child custody determination sought to be
16 registered.

17 2. On receipt of the documents required in subsection 1 of
18 this section, the registering court shall:

19 (1) Cause the determination to be filed as a foreign
20 judgment, together with one copy of any accompanying documents
21 and information, regardless of their form; and

22 (2) Serve notice upon the persons named under subdivision
23 (3) of subsection 1 of this section and provide them with an
24 opportunity to contest the registration in accordance with this
25 section.

26 3. The notice required by subdivision (2) of subsection 2
27 of this section must state:

28 (1) That a registered determination is enforceable as of

the date of the registration in the same manner as a
determination issued by a court of this state;

(2) That a hearing to contest the validity of the
registered determination must be requested within twenty days
after service of notice; and

(3) That failure to contest the registration will result in
confirmation of the child custody determination and preclude
further contest of that determination with respect to any matter
that could have been asserted.

4. A person seeking to contest the validity of a registered
order must request a hearing within twenty days after service of
the notice. At that hearing, the court shall confirm the
registered order unless the person contesting registration
establishes that:

(1) The issuing court did not have jurisdiction under
sections 452.740 to 452.845;

(2) The child custody determination sought to be registered
has been vacated, stayed, or modified by a court of a state
having jurisdiction to do so under sections 452.740 to 452.845;
or

(3) The person contesting registration was entitled to
notice, but notice was not given in accordance with the standards
of section 452.740 in the proceedings before the court that
issued the order for which registration is sought.

5. If a timely request for a hearing to contest the
validity of the registration is not made, the registration is
confirmed as a matter of law and the person requesting
registration and all persons served must be notified of the

1 confirmation.

2 6. Confirmation of a registered order, whether by operation
3 of law or after notice and hearing, precludes further contest of
4 the order with respect to any matter which could have been
5 asserted at the time of registration.

6 452.815. The clerk of the circuit court of this state, at
7 the request of the court of another state or at the request of
8 any person who is affected by or has a legitimate interest in a
9 custody decree, may, upon payment therefor, certify and forward a
10 copy of the decree to that court or person.

11 452.820. 1. In addition to other procedures available to a
12 party, a party to a child custody proceeding may offer testimony
13 of witnesses who are located in another state, including
14 testimony of the parties and the child, by deposition or other
15 means allowable in this state for testimony taken in another
16 state. The court on its own motion may order that the testimony
17 of a person be taken in another state and may prescribe the
18 manner in which and the terms upon which the testimony is taken.

19 2. A court of this state may permit an individual residing
20 in another state to be deposed or to testify by telephone,
21 audiovisual means, or other electronic means before a designated
22 court or at another location in that state. A court of this
23 state shall cooperate with courts of other states in designating
24 an appropriate location for the deposition or testimony.

25 3. Documentary evidence transmitted from another state to a
26 court of this state by technological means that do not produce an
27 original writing may not be excluded from evidence on an
28 objection based on the means of transmission.

1 452.825. 1. A court of this state may request the
2 appropriate court of another state to hold a hearing to obtain
3 evidence, to order persons within that state to produce or give
4 evidence under other procedures of that state, or to have social
5 studies made with respect to the custody of a child involved in
6 proceedings pending in the court of this state; and to forward to
7 the court of this state certified copies of the transcript of the
8 record of the hearing, the evidence otherwise obtained, or any
9 social studies prepared in compliance with the request. The cost
10 of the services may be assessed against the parties.

11 2. A court of this state may request the appropriate court
12 of another state to order a party to custody proceedings pending
13 in the court of this state to appear in the proceedings and, if
14 that party has physical custody of the child, to appear with the
15 child. The request may state that travel and other necessary
16 expenses of the party and of the child whose appearance is
17 desired will be assessed against the appropriate party.

18 452.830. 1. Upon request of the court of another state,
19 the courts of this state which are competent to hear custody
20 matters may order a person in this state to appear at a hearing
21 to obtain evidence or to produce or give evidence under other
22 procedures available in this state for use in a custody
23 proceeding in another state. A certified copy of the transcript
24 of the record of the hearing or the evidence otherwise obtained
25 may, in the discretion of the court and upon payment therefor, be
26 forwarded to the requesting court.

27 2. A person within this state may voluntarily give his
28 testimony or statement in this state for use in a custody

1 proceeding outside this state.

2 3. Upon request of the court of another state, a competent
3 court of this state may order a person in this state to appear
4 alone or with the child in a custody proceeding in another state.
5 The court may condition compliance with the request upon
6 assurance by the other state that travel and other necessary
7 expenses will be advanced or reimbursed.

8 452.835. A court of this state shall preserve the
9 pleadings, orders, decrees, records of hearings, evaluations, and
10 other pertinent records with respect to a child custody
11 proceeding until the child reaches eighteen years of age. Upon
12 appropriate request by the court or law enforcement official of
13 another state, the court shall forward certified copies of these
14 records.

15 452.840. If a custody decree has been rendered in another
16 state concerning a child involved in a custody proceeding pending
17 in a court of this state, the court of this state, upon taking
18 jurisdiction of the case, shall request of the court of the other
19 state a certified copy of the transcript of any court record and
20 other documents mentioned in section 452.835.

21 452.845. If a question of existence or exercise of
22 jurisdiction under sections 452.700 to 452.930 is raised in a
23 child custody proceeding, the question, upon request of a party,
24 must be given priority on the calendar and handled expeditiously.

25 ARTICLE III

26 ENFORCEMENT

27 452.850. As used in sections 452.850 to 452.915:

28 (1) "Petitioner" means a person who seeks enforcement of a

child custody determination or enforcement of an order for the
return of the child under the Hague Convention on the Civil
Aspects of International Child Abduction;

(2) "Respondent" means a person against whom a proceeding
has been commenced for enforcement of a child custody
determination or enforcement of an order for the return of the
child under the Hague Convention on the Civil Aspects of
International Child Abduction.

452.855. 1. Sections 452.850 to 452.915 may be invoked to
enforce:

(1) A child custody determination; and

(2) An order for the return of the child made under the
Hague Convention on the Civil Aspects of International Child
Abduction.

2. A court of this state which does not have jurisdiction
to modify a child custody determination may issue a temporary
order enforcing:

(1) A visitation schedule made by a court of another state;
or

(2) The visitation provisions of a child custody
determination of another state that does not provide for a
specific visitation schedule.

3. If a court of this state makes an order under
subdivision (2) of subsection 2 of this section, the court shall
specify in the order a period of time which it considers adequate
to allow the person seeking the order to obtain an order from the
state having jurisdiction under sections 452.740 to 452.845. The
order remains in effect until an order is obtained from the other

1 state or the period expires.

2 452.860. 1. A court of this state may grant any relief
3 normally available under the provisions of the laws of this state
4 to enforce a registered child custody determination made by a
5 court of another state.

6 2. A court of this state shall recognize and enforce, but
7 shall not modify, except in accordance with sections 452.740 to
8 452.845, a registered child custody determination of another
9 state.

10 452.865. If a proceeding for enforcement under sections
11 452.850 to 452.915 has been or is commenced in this state and a
12 court of this state determines that a proceeding to modify the
13 determination has been commenced in another state having
14 jurisdiction to modify the determination under sections 452.740
15 to 452.845, the enforcing court shall immediately communicate
16 with the modifying court. The proceeding for enforcement
17 continues unless the enforcing court, after consultation with the
18 modifying court, stays or dismisses the proceeding.

19 452.870. 1. A petition under sections 452.850 to 452.915
20 shall be verified. Certified copies of all orders sought to be
21 enforced and of the order confirming registration, if any, shall
22 be attached to the petition. A copy of a certified copy of an
23 order may be attached instead of the original.

24 2. A petition for enforcement of a child custody
25 determination shall state:

26 (1) Whether the court that issued the determination
27 identified the jurisdictional basis it relied upon in exercising
28 jurisdiction and, if so, what the basis was;

1 (2) Whether the determination for which enforcement is
2 sought has been vacated, stayed or modified by a court whose
3 decision shall be enforced under sections 452.700 to 452.930 or
4 federal law and, if so, identify the court, case number of the
5 proceeding and action taken;

6 (3) Whether any proceeding has been commenced that could
7 affect the current proceeding, including proceedings relating to
8 domestic violence, protective orders, termination of parental
9 rights and adoptions, and, if so, identify the court, and the
10 case number and nature of the proceeding;

11 (4) The present physical address of the child and
12 respondent, if known; and

13 (5) Whether relief in addition to the immediate physical
14 custody of the child and attorney's fees is sought, including a
15 request for assistance from law enforcement officials and, if so,
16 the relief sought.

17 3. If the child custody determination has been registered
18 and confirmed under section 452.810, the petition shall also
19 state the date and place of registration.

20 4. The court shall issue an order directing the respondent
21 to appear with or without the child at a hearing and may enter
22 any orders necessary to ensure the safety of the parties and the
23 child.

24 5. The hearing shall be held on the next judicial day
25 following service of process unless such date is impossible. In
26 such event, the court shall hold the hearing on the first day
27 possible. The court may extend the date of hearing at the
28 request of the petitioner.

1 6. The order shall state the time and place of the hearing,
2 and shall advise the respondent that at the hearing the court
3 will order the delivery of the child and payment of fees, costs
4 and expenses under section 452.890, and may set an additional
5 hearing to determine if further relief is appropriate, unless the
6 respondent appears and establishes that:

7 (1) The child custody determination is not registered and
8 confirmed under section 452.810, and:

9 (a) The issuing court did not have jurisdiction under
10 sections 452.740 to 452.845;

11 (b) The child custody determination for which enforcement
12 is sought has been vacated, stayed or modified by a court of a
13 state having jurisdiction to do so under sections 452.740 to
14 452.845 or federal law; or

15 (c) The respondent was entitled to notice, but notice was
16 not given in accordance with the standards of section 452.762 in
17 the proceedings before the court that issued the order for which
18 enforcement is sought; or

19 (2) The child custody determination for which enforcement
20 is sought was registered and confirmed under section 452.810, but
21 has been vacated, stayed or modified by a court of a state having
22 jurisdiction to do so under sections 452.740 to 452.845 or
23 federal law.

24 452.875. Except as otherwise provided in section 452.885,
25 the petition and order shall be served by any method authorized
26 by the laws of this state upon the respondent and any person who
27 has physical custody of the child.

28 452.880. 1. Unless the court enters a temporary emergency

1 order under section 452.755, upon a finding that a petitioner is
2 entitled to the physical custody of the child immediately, the
3 court shall order the child delivered to the petitioner unless
4 the respondent establishes that:

5 (1) The child custody determination has not been registered
6 and confirmed under section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under
8 sections 452.740 to 452.845;

9 (b) The child custody determination for which enforcement
10 is sought has been vacated, stayed or modified by a court of a
11 state having jurisdiction to do so under sections 452.740 to
12 452.845 or federal law; or

13 (c) The respondent was entitled to notice, but notice was
14 not given in accordance with the standards of section 452.762 in
15 the proceedings before the court that issued the order for which
16 enforcement is sought; or

17 (2) The child custody determination for which enforcement
18 is sought was registered and confirmed under section 452.810, but
19 has been vacated, stayed or modified by a court of a state having
20 jurisdiction to do so under sections 452.740 to 452.845 or
21 federal law.

22 2. The court shall award the fees, costs and expenses
23 authorized under section 452.890 and may grant additional relief,
24 including a request for the assistance of law enforcement
25 officials, and set a further hearing to determine if additional
26 relief is appropriate.

27 3. If a party called to testify refuses to answer on the
28 grounds that the testimony may be self-incriminating, the court

1 may draw an adverse inference from such refusal.

2 4. A privilege against disclosure of communications between
3 spouses and a defense of immunity based on the relationship of
4 husband and wife, or parent and child shall not be invoked in a
5 proceeding under sections 452.850 to 452.915.

6 452.885. 1. Upon the filing of a petition seeking
7 enforcement of a child custody determination, the petitioner may
8 file a verified application for the issuance of a warrant to take
9 physical custody of the child if the child is likely to suffer
10 serious imminent physical harm or removal from this state.

11 2. If the court, upon the testimony of the petitioner or
12 other witnesses, finds that the child is likely to suffer serious
13 imminent physical harm or be imminently removed from this state,
14 the court may issue a warrant to take physical custody of the
15 child. The petition shall be heard on the next judicial day
16 after the warrant is executed. The warrant shall include the
17 statements required under subsection 2 of section 452.870.

18 3. A warrant to take physical custody of a child shall:

19 (1) Recite the facts which a conclusion of serious imminent
20 physical harm or removal from the jurisdiction is based;

21 (2) Direct law enforcement officers to take physical
22 custody of the child immediately; and

23 (3) Provide for the placement of the child pending final
24 relief.

25 4. The respondent shall be served with the petition,
26 warrant and order immediately after the child is taken into
27 physical custody.

28 5. A warrant to take physical custody of a child is

1 enforceable throughout this state. If the court finds on the
2 basis of the testimony of the petitioner or other witness that a
3 less intrusive remedy is not effective, the court may authorize
4 law enforcement officers to enter private property to take
5 physical custody of the child. If required by the exigency of
6 the case, the court may authorize law enforcement officers to
7 make a forcible entry at any hour.

8 6. The court may impose conditions on the placement of a
9 child to ensure the appearance of the child and the child's
10 custodian.

11 452.890. 1. The court shall award the prevailing party,
12 including a state, necessary and reasonable expenses incurred by
13 or on behalf of the party, including costs, communication
14 expenses, attorney's fees, investigative fees, expenses for
15 witnesses, travel expenses and child care during the course of
16 the proceedings, unless the party from whom fees or expenses are
17 sought establishes that the award would be clearly inappropriate.

18 2. The court shall not assess fees, costs or expenses
19 against a state except as otherwise provided by law other than
20 sections 452.700 to 452.930.

21 452.895. A court of this state shall accord full faith and
22 credit to an order made consistently with sections 452.700 to
23 452.930 which enforces a child custody determination by a court
24 of another state unless the order has been vacated, stayed or
25 modified by a court authorized to do so under sections 452.740 to
26 452.845.

27 452.900. An appeal may be taken from a final order in a
28 proceeding under sections 452.850 to 452.915 in accordance with

1 appellate procedures in other civil cases. Unless the court
2 enters a temporary emergency order under section 452.755, the
3 enforcing court shall not stay an order enforcing a child custody
4 determination pending appeal.

5 452.905. 1. In a case arising under sections 452.700 to
6 452.930 or involving the Hague Convention on the Civil Aspects of
7 International Child Abduction, the appropriate public official
8 may take any lawful action, including resort to a proceeding
9 under sections 452.850 to 452.915 or any other available civil
10 proceeding to locate a child, obtain the return of a child or
11 enforce a child custody determination if there is:

12 (1) An existing child custody determination;

13 (2) A request from a court in a pending child custody case;

14 (3) A reasonable belief that a criminal statute has been
15 violated; or

16 (4) A reasonable belief that the child has been wrongfully
17 removed or retained in violation of the Hague Convention on the
18 Civil Aspects of International Child Abduction.

19 2. A prosecutor or an appropriate public official shall act
20 on behalf of the court and shall not represent any party to a
21 child custody determination.

22 452.910. At the request of a prosecutor or other
23 appropriate public official acting under section 452.905, a law
24 enforcement officer may take any lawful action reasonably
25 necessary to locate a child or a party and assist such prosecutor
26 or public official with responsibilities under section 452.905.

27 452.915. If the respondent is not the prevailing party, the
28 court may assess against the respondent all direct expenses and

1 costs incurred by the prosecutor or other appropriate public
2 official and law enforcement officers under sections 452.905 and
3 452.910.

4 ARTICLE IV

5 MISCELLANEOUS PROVISIONS

6 452.920. In applying and construing sections 452.700 to
7 452.930, consideration must be given to the need to promote
8 uniformity of the law with respect to its subject matter among
9 states that enact it.

10 452.925. If any provision of sections 452.700 to 452.930 or
11 its application to any person or circumstance is held invalid,
12 the invalidity shall not affect other provisions or applications
13 of sections 452.700 to 452.930 which can be given effect without
14 the invalid provision or application, and to this end the
15 provisions of sections 452.700 to 452.930 are severable.

16 452.930. A motion or other request for relief made in a
17 child custody or enforcement proceeding which was commenced
18 before August 28, 2007, is governed by the law in effect at the
19 time the motion or other request was made.

20 455.003. 1. A rape crisis center shall:

21 (1) Require persons employed by or volunteering services to
22 the rape crisis center to maintain confidentiality of any
23 information that would identify individuals served by the center
24 and any information or records that are directly related to the
25 advocacy services provided to such individuals; and

26 (2) Prior to providing any advocacy services, inform
27 individuals served by the rape crisis center of the nature and
28 scope of the confidentiality requirements of subdivision (1) of

1 this subsection.

2 2. Any person employed by or volunteering services to a
3 rape crisis center for victims of sexual assault shall be
4 incompetent to testify concerning any confidential information in
5 subsection 1 of this section, unless the confidentiality
6 requirements are waived in writing by the individual served by
7 the center.

8 3. As used in this section, the term "rape crisis center"
9 shall mean any public or private agency that offers assistance to
10 victims of sexual assault, as the term "sexual assault" is
11 defined in section 455.010, who are adults, as defined by section
12 455.010, or qualified minors, as defined by section 431.056,
13 RSMo.

14 455.010. As used in sections 455.010 to 455.085, unless the
15 context clearly indicates otherwise, the following terms shall
16 mean:

17 (1) "Abuse" includes but is not limited to the occurrence
18 of any of the following acts, attempts or threats against a
19 person who may be protected pursuant to sections 455.010 to
20 455.085:

21 (a) "Assault", purposely or knowingly placing or attempting
22 to place another in fear of physical harm;

23 (b) "Battery", purposely or knowingly causing physical harm
24 to another with or without a deadly weapon;

25 (c) "Coercion", compelling another by force or threat of
26 force to engage in conduct from which the latter has a right to
27 abstain or to abstain from conduct in which the person has a
28 right to engage;

1 (d) "Harassment", engaging in a purposeful or knowing
2 course of conduct involving more than one incident that alarms or
3 causes distress to another adult and serves no legitimate
4 purpose. The course of conduct must be such as would cause a
5 reasonable adult to suffer substantial emotional distress and
6 must actually cause substantial emotional distress to the
7 petitioner. Such conduct might include, but is not limited to:

8 a. Following another about in a public place or places;

9 b. Peering in the window or lingering outside the residence
10 of another; but does not include constitutionally protected
11 activity;

12 (e) "Sexual assault", causing or attempting to cause
13 another to engage involuntarily in any sexual act by force,
14 threat of force, or duress;

15 (f) "Unlawful imprisonment", holding, confining, detaining
16 or abducting another person against that person's will;

17 (2) "Adult", any person [eighteen] seventeen years of age
18 or older or otherwise emancipated;

19 (3) "Court", the circuit or associate circuit judge or a
20 family court commissioner;

21 (4) "Ex parte order of protection", an order of protection
22 issued by the court before the respondent has received notice of
23 the petition or an opportunity to be heard on it;

24 (5) "Family" or "household member", spouses, former
25 spouses, adults related by blood or marriage, adults who are
26 presently residing together or have resided together in the past,
27 an adult who is or has been in a continuing social relationship
28 of a romantic or intimate nature with the victim, and adults who

1 have a child in common regardless of whether they have been
2 married or have resided together at any time;

3 (6) "Full order of protection", an order of protection
4 issued after a hearing on the record where the respondent has
5 received notice of the proceedings and has had an opportunity to
6 be heard;

7 (7) "Order of protection", either an ex parte order of
8 protection or a full order of protection;

9 (8) "Petitioner", a family or household member or an adult
10 who has been the victim of stalking, who has filed a verified
11 petition pursuant to the provisions of section 455.020;

12 (9) "Respondent", the family or household member or adult
13 alleged to have committed an act of stalking, against whom a
14 verified petition has been filed;

15 (10) "Stalking" is when an adult purposely and repeatedly
16 engages in an unwanted course of conduct that causes alarm to
17 another person when it is reasonable in that person's situation
18 to have been alarmed by the conduct. As used in this
19 subdivision:

20 (a) "Course of conduct" means a pattern of conduct composed
21 of repeated acts over a period of time, however short, that
22 serves no legitimate purpose. Such conduct may include, but is
23 not limited to, following the other person or unwanted
24 communication or unwanted contact;

25 (b) "Repeated" means two or more incidents evidencing a
26 continuity of purpose; and

27 (c) "Alarm" means to cause fear of danger of physical harm.

28 455.038. Every circuit clerk shall be responsible for

providing information to individuals petitioning for ex parte orders of protection regarding notification of service of these orders of protection. Such notification to the petitioner is required if the petitioner has registered a telephone number with the victim notification system, established under subsection 3 of section 650.310, RSMo. The petitioner shall be informed of his or her option to receive notification of service of an ex parte order of protection on the respondent by the circuit clerk and shall be provided information on how to receive notification of service of ex parte orders of protection. The local law enforcement agency or any other government agency responsible for serving ex parte orders of protection shall notify the circuit clerk when no more service attempts are planned by that agency. The provisions of this section shall only apply to those circuit clerks able to access a statewide victim notification system designed to provide notification of service of orders of protection.

456.5-501. Except as otherwise provided in sections ~~[456.5-506]~~ 456.5-502 to 456.5-507, to the extent a beneficiary's interest is not subject to a spendthrift provision, an assignee or a judgment creditor of the beneficiary may, without court order, reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary or other means. The court may limit the award to such relief as is appropriate under the circumstances.

477.005. 1. The supreme court and each district of the court of appeals is hereby authorized to appoint a clerk, a marshal, a librarian, administrative personnel, reporter,

1 deputies, stenographers, research assistants, janitors, and such
2 other employees as the court deems necessary, and, except as
3 provided in subsection 2 of this section, shall fix the
4 compensation of persons thus employed within the limits of the
5 amount appropriated by the general assembly for such purpose.

6 2. Marshals appointed by the court of appeals, except for
7 the Eastern District Court of Appeals, under the provisions of
8 subsection 1 of this section shall be compensated at the same
9 amount as the highest salary set for any marshal appointed under
10 section 476.083, RSMo.

11 477.600. 1. There is hereby created within the judicial
12 department a "Judicial Finance Commission". The commission shall
13 be composed of seven members appointed by the supreme court. At
14 least one member of the commission shall be a member of a county
15 governing body from a county of the third class, one member of
16 the commission shall be a member of the county governing body of
17 a county of the first class, and one member of the commission
18 shall be a member of a county governing body from any class of
19 county. The supreme court shall designate one member to serve as
20 chairman and one member as vice chairman. The vice chairman
21 shall preside in the absence of the chairman.

22 2. The members of the commission shall serve for terms of
23 three years and until their successors are appointed and
24 qualified; except that of the initial members appointed, three
25 shall serve for terms of one year, two shall serve for terms of
26 two years and two shall serve for terms of three years, as
27 designated by the court.

28 3. If a vacancy occurs the court shall appoint a

1 replacement. The replacement shall serve the unexpired portion
2 of the term and may be appointed to successive terms.

3 4. The commission shall promulgate rules of procedure which
4 shall become effective upon approval by the supreme court. The
5 supreme court may adopt such other rules as it deems appropriate
6 to govern the procedures of the commission.

7 5. The commission shall:

8 (1) Examine the budget request of the circuit court upon
9 the petition by the county governing body as provided in section
10 50.640, RSMo, or any budget or item in the budget estimated by
11 the court including, but not limited to, compensation of deputy
12 sheriffs and assistants, as set forth in section 57.250, RSMo;

13 (2) Issue a written opinion addressed to the presiding
14 circuit judge and the presiding officer of the county. The
15 opinion shall state the conclusions of the commission as to the
16 reasonableness of the circuit court budget request. The opinion
17 of the commission shall state clearly the reasons for its
18 decision. Any member of the commission who disagrees with the
19 commission's findings may file a minority report;

20 (3) Maintain accurate records of the cost and expenses of
21 the judicial and law enforcement agencies for each county;

22 (4) Submit an annual report to the governor, general
23 assembly, and supreme court on the finances of the judicial
24 department. The report shall examine both the revenues of the
25 department and the expenses of the department. The report shall
26 include the information from all divisions of the circuit court
27 of each county including the circuit, associate circuit, probate,
28 juvenile and municipal divisions. The information shall be

1 reported separately except where the divisions are combined or
2 consolidated. In lieu of separate publication, the supreme court
3 may direct the annual report described in this subdivision to be
4 consolidated with any annual report prepared by the supreme court
5 or the office of state courts administrator, provided that such
6 report is distributed to the parties described in this
7 subdivision.

8 6. In discharging its responsibilities, the commission may:

9 (1) Conduct public hearings, take testimony, summon
10 witnesses, and subpoena records and documents;

11 (2) Conduct surveys and collect data from county
12 governments and the circuit courts on the operations of the
13 judicial and law enforcement agencies in each county. The
14 commission and its staff shall be granted access at any
15 reasonable time to all books, records, and data the commission
16 deems necessary for the administration of its duties;

17 (3) Within the limits of appropriations made for the
18 purpose, appoint special committees, accept and expend grant
19 funds, and employ consultants and others to assist the commission
20 in its work.

21 7. Upon receipt of the written opinion of the commission or
22 upon refusal of the commission to accept a petition for review,
23 the circuit court or the county governing body may seek a review
24 by the supreme court by filing a petition for review in the
25 supreme court within thirty days of the receipt of the
26 commission's opinion. If a petition for review is not filed in
27 the supreme court, then the recommendation of the commission
28 shall take effect notwithstanding the provisions of section

1 50.600, RSMo. If the commission refused to review a petition and
2 no petition is filed in the supreme court, the circuit court
3 budget is approved as submitted to the county governing body.

4 The supreme court shall consider the petition for review de novo.

5 8. The commission shall meet as necessary at the call of
6 the chairman or on written request of four members. Four members
7 constitute a quorum for the transaction of business. Upon
8 request of the chairman, the supreme court may appoint a
9 temporary replacement for any commissioner who is unable to hear
10 a case or who is disqualified from any case. No member of the
11 commission shall participate in any proceeding involving the
12 county or circuit where the member resides.

13 9. Members of the commission shall receive no compensation
14 for their services but shall be reimbursed out of funds
15 appropriated for this purpose for their actual and necessary
16 expenses incurred in the performance of their duties.

17 10. The clerk of the supreme court shall provide suitable
18 staff for the commission out of any funds appropriated for this
19 purpose. The commission may also employ court reporters as
20 necessary to take testimony at hearings held pursuant to section
21 50.640, RSMo. The reporters shall be compensated at a rate
22 established by the commission out of any funds appropriated for
23 this purpose.

24 478.463. There shall be [nineteen] twenty circuit judges in
25 the sixteenth judicial circuit consisting of the county of
26 Jackson. These judges shall sit in [nineteen] twenty divisions.
27 Divisions one, three, four, six, seven, eight, nine, ten, eleven,
28 twelve, thirteen, fourteen, fifteen and eighteen shall sit at the

1 city of Kansas City and divisions two, five, sixteen [and],
2 seventeen, and twenty shall sit at the city of Independence.
3 Division nineteen shall sit at both the city of Kansas City and
4 the city of Independence. Notwithstanding the foregoing
5 provisions, the judge of the probate division shall sit at both
6 the city of Kansas City and the city of Independence. Beginning
7 January 1, 2009, a circuit judge for division twenty shall sit at
8 the city of Independence.

9 478.466. 1. In the sixteenth judicial circuit consisting
10 of the county of Jackson, a majority of the court en banc may
11 appoint one person, who shall possess the same qualifications as
12 an associate circuit judge, to act as drug court commissioner.
13 The commissioner shall be appointed for a term of four years.
14 The compensation of the commissioner shall be the same as that of
15 an associate circuit judge [and, subject to appropriation from
16 the county legislature of the county wherein such circuit is
17 wholly located, reimbursed from proceeds from the county antidrug
18 sales tax adopted pursuant to section 67.547, RSMo]. The county
19 wherein such circuit is wholly located shall pay to and reimburse
20 the state for the actual costs of the salary and benefits of the
21 drug commissioner appointed pursuant to this section. The
22 retirement benefits of such commissioner shall be the same as
23 those of an associate circuit judge, payable in the same manner
24 and from the same source as those of an associate circuit judge.
25 Subject to approval or rejection by a circuit judge, the
26 commissioner shall have all the powers and duties of a circuit
27 judge. A circuit judge shall by order of record reject or
28 confirm any order, judgment and decree of the commissioner within

1 the time the judge could set aside such order, judgment or decree
2 had the same been made by him. If so confirmed, the order,
3 judgment or decree shall have the same effect as if made by the
4 judge on the date of its confirmation. Beginning July 1, 2008,
5 the circuit court in the sixteenth judicial circuit may appoint
6 one drug court commissioner whose compensation shall be payable
7 by the state without necessity of reimbursement.

8 2. The court administrator of the sixteenth judicial
9 circuit shall charge and collect a surcharge of thirty dollars in
10 all proceedings assigned to the drug commissioner for
11 disposition, provided that the surcharge shall not be charged in
12 any proceeding when costs are waived or are to be paid by the
13 state, county or municipality. Moneys obtained from such
14 surcharge shall be collected and disbursed in the manner provided
15 by sections 488.010 to 488.020, RSMo, and payable to the drug
16 commissioner for operation of the drug court.

17 478.513. 1. There shall be five circuit judges in the
18 thirty-first judicial circuit consisting of the county of Greene.
19 These judges shall sit in divisions numbered one, two, three,
20 four and five.

21 2. The circuit judge in division three shall be elected in
22 1980. The circuit judges in divisions one, four and five shall
23 be elected in 1982. The circuit judge in division two shall be
24 elected in 1984.

25 3. Beginning January 1, 2008, there shall be one additional
26 circuit judge position in the thirty-first judicial circuit to be
27 known as division six.

28 479.010. Violations of municipal ordinances shall be

1 ~~[tried]~~ heard and determined only before divisions of the circuit
2 court as hereinafter provided in this chapter. "Heard and
3 determined", for purposes of this chapter, shall mean any process
4 under which the court in question retains the final authority to
5 make factual determinations pertaining to allegations of a
6 municipal ordinance violation, including, but not limited to, the
7 use of a system of administrative adjudication as provided in
8 section 479.011, preliminary to a determination by appeal to the
9 court in question.

10 479.011. 1. Any city not within a county or any home rule
11 city with more than four hundred thousand inhabitants and located
12 in more than one county may establish, by order or ordinance, an
13 administrative system for adjudicating parking and other civil,
14 nonmoving municipal code violations consistent with applicable
15 state law. Such administrative adjudication system shall be
16 subject to practice, procedure, and pleading rules established by
17 the state supreme court, circuit court, or municipal court. This
18 section shall not be construed to affect the validity of other
19 administrative adjudication systems authorized by state law and
20 created before August 28, 2004.

21 2. The order or ordinance creating the administrative
22 adjudication system shall designate the administrative tribunal
23 and its jurisdiction, including the code violations to be
24 reviewed. The administrative tribunal may operate under the
25 supervision of the municipal court, parking commission, or other
26 entity designated by order or ordinance and in a manner
27 consistent with state law. The administrative tribunal shall
28 adopt policies and procedures for administrative hearings, and

1 filing and notification requirements for appeals to the municipal
2 or circuit court, subject to the approval of the municipal or
3 circuit court.

4 3. The administrative adjudication process authorized in
5 this section shall ensure a fair and impartial review of
6 contested municipal code violations, and shall afford the parties
7 due process of law. The formal rules of evidence shall not apply
8 in any administrative review or hearing authorized in this
9 section. Evidence, including hearsay, may be admitted only if it
10 is the type of evidence commonly relied upon by reasonably
11 prudent persons in the conduct of their affairs. The code
12 violation notice, property record, and related documentation in
13 the proper form, or a copy thereof, shall be prima facie evidence
14 of the municipal code violation. The officer who issued the code
15 violation citation need not be present.

16 4. An administrative tribunal may not impose incarceration
17 or any fine in excess of the amount allowed by law. Any
18 sanction, fine or costs, or part of any fine, other sanction, or
19 costs, remaining unpaid after the exhaustion of, or the failure
20 to exhaust, judicial review procedures under chapter 536, RSMo,
21 shall be a debt due and owing the city, and may be collected in
22 accordance with applicable law.

23 5. Any final decision or disposition of a code violation by
24 an administrative tribunal shall constitute a final determination
25 for purposes of judicial review~~[,].~~ Such determination is
26 subject to review under chapter 536, RSMo, or, at the request of
27 the defendant made within ten days, a trial de novo in the
28 circuit court. After expiration of the judicial review period

1 under chapter 536, RSMo, unless stayed by a court of competent
2 jurisdiction, the administrative tribunal's decisions, findings,
3 rules, and orders may be enforced in the same manner as a
4 judgment entered by a court of competent jurisdiction. Upon
5 being recorded in the manner required by state law or the uniform
6 commercial code, a lien may be imposed on the real or personal
7 property of any defendant entering a plea of nolo contendere,
8 pleading guilty to, or found guilty of a municipal code violation
9 in the amount of any debt due the city under this section and
10 enforced in the same manner as a judgment lien under a judgment
11 of a court of competent jurisdiction.

12 484.020. 1. No person shall engage in the practice of law
13 or do law business, as defined in section 484.010, or both,
14 unless [he] such person shall have been duly licensed therefor
15 and while his or her license therefor is in full force and
16 effect, nor shall any association, partnership, limited liability
17 company or corporation, except a professional corporation
18 organized pursuant to the provisions of chapter 356, RSMo, a
19 limited liability company organized and registered pursuant to
20 the provisions of chapter 347, RSMo, or a limited liability
21 partnership organized or registered pursuant to the provisions of
22 chapter 358, RSMo, engage in the practice of the law or do law
23 business as defined in section 484.010, or both.

24 2. Any person, association, partnership, limited liability
25 company or corporation who shall violate the foregoing
26 prohibition of this section shall be guilty of a class A
27 misdemeanor and upon conviction therefor shall be punished by a
28 fine not exceeding one hundred dollars and costs of prosecution

1 and shall be subject to be sued for treble the amount which shall
2 have been paid [him] such person or it for any service rendered
3 in violation hereof by the person, firm, association,
4 partnership, limited liability company or corporation paying the
5 same within two years from the date the same shall have been paid
6 and if within said time such person, firm, association,
7 partnership, limited liability company or corporation shall
8 neglect and fail to sue for or recover such treble amount, then
9 the state of Missouri shall have the right to and shall sue for
10 such treble amount and recover the same and upon the recovery
11 thereof such treble amount shall be paid into the treasury of the
12 state of Missouri.

13 3. It is hereby made the duty of the attorney general of
14 the state of Missouri or the prosecuting attorney of any county
15 or city in which service of process may be had upon the person,
16 firm, association, partnership, limited liability company or
17 corporation liable hereunder, to institute all suits necessary
18 for the recovery by the state of Missouri of such amounts in the
19 name and on behalf of the state.

20 484.280. Any provision of law, rule, regulation, or policy
21 that requires a public official or employee to devote his or her
22 full time to their office, or that prohibits a public official or
23 employee from engaging in the practice of law outside of his or
24 her official duties, shall not prohibit an official or employee
25 who is licensed to practice law in this state from providing
26 legal services to needy persons if such services are provided
27 without compensation; however, no state court judge serving
28 pursuant to article V, Constitution of Missouri, shall be

1 permitted to engage in the practice of law during his or her term
2 in office, except for such limited purpose as authorized by
3 supreme court rule.

4 486.215. Each notary public, unless such notary public is
5 an attorney, may perform notarial acts for a term of four years
6 from the date of his or her commission, unless sooner removed.
7 Any attorney serving as a notary public shall only be removed as
8 a notary public if the commission is revoked.

9 486.225. 1. Upon a form prepared by the secretary of
10 state, each applicant for appointment and commission as a notary
11 public shall swear, under penalty of perjury, that the answers to
12 all questions on the application are true and complete to the
13 best of the applicant's knowledge and that the applicant is
14 qualified to be appointed and commissioned as a notary public.
15 The completed application form shall be filed with the secretary
16 of state.

17 2. With the person's application, each applicant for
18 appointment and commission as a notary public shall submit to the
19 secretary of state a commission fee of fifteen dollars. An
20 attorney applying to serve as a notary public shall submit, with
21 his or her application, a one-time notary fee of seventy-five
22 dollars plus the ten-dollar fee for the secretary of state's
23 technology trust fund account.

24 3. Each applicant for appointment and commission as a
25 notary public shall state in the application whether or not the
26 applicant has ever been convicted of or pled guilty or nolo
27 contendere to any felony, or to any misdemeanor incompatible with
28 the duties of a notary public and if so, shall attach a list of

1 such convictions or pleas of guilt or nolo contendere.

2 4. Each applicant for a renewal appointment and commission
3 as a notary public may apply for such renewal appointment in a
4 manner prescribed by the secretary of state.

5 5. The secretary of state may prohibit, for a period not
6 less than thirty days and not more than one year, a new applicant
7 or renewal from reapplying for an appointment and commission as a
8 notary public following the rejection of such applicant's
9 application by the secretary of state.

10 6. Prior to submitting an application to the secretary of
11 state, each new applicant or renewal for appointment and
12 commission as a notary public shall read the Missouri notary
13 public handbook and complete a computer- based notary training or
14 other notary training in a manner prescribed by the secretary of
15 state. Each new applicant or renewal applicant shall attest to
16 reading such handbook and receiving such training pursuant to
17 this subsection at the time of submitting the application for
18 appointment and commission as a notary public.

19 486.230. Upon receipt of a completed application, proper
20 endorsements and the correct fee, the secretary of state, if
21 satisfied the applicant is qualified to be appointed and
22 commissioned as a notary public, shall prepare a notary
23 commission for the applicant and forward the commission to the
24 county clerk in the county of the applicant's residence. Each
25 commission shall contain the applicant's name, the county within
26 and for which he or she is to be commissioned, the date upon
27 which the commission takes effect and the date upon which it
28 expires. If such applicant is a licensed attorney in this state,

1 the commission shall only contain the applicant's name, the
2 county within and for which he or she is to be commissioned, and
3 the date the commission takes effect.

4 486.280. On every notary certificate, a notary public shall
5 indicate clearly and legibly, in print not smaller than
6 eight-point type and by means of rubber stamp, typewriting or
7 printing, so that it is capable of photographic reproduction:

8 (1) His or her name exactly as it appears on the
9 commission;

10 (2) The words "Notary Public", "State of Missouri", and "My
11 commission expires (commission expiration date)". If such
12 notary public is a licensed attorney in this state, the notary
13 public is not required to state when his or her commission
14 expires;

15 (3) The name of the county within which he or she is
16 commissioned; and

17 (4) A commission number, provided that the notary public
18 has been issued a commission number by the secretary of state.
19 Effective August 28, 2004, the secretary of state shall issue a
20 commission number for all new and renewal notary appointments.

21 486.385. 1. The secretary of state may reject an
22 application or revoke the commission of any notary public who
23 prior to being commissioned or during the current term of
24 appointment:

25 (1) Submits an application for commission and appointment
26 as a notary public which contains substantial and material
27 misstatement of facts;

28 (2) Is convicted of any felony or official misconduct under

1 this chapter;

2 (3) Fails to exercise the powers or perform the duties of a
3 notary public in accordance with this chapter, or fails otherwise
4 to comply with the provisions of this chapter;

5 (4) Is adjudged liable or agrees in a settlement to pay
6 damages in any suit grounded in fraud, misrepresentation,
7 impersonation, or violation of the state regulatory laws of this
8 state, if his or her liability is not solely by virtue of his or
9 her agency or employment relationship with another who engaged in
10 the act for which the suit was brought;

11 (5) Uses false or misleading advertising wherein he or she
12 represents or implies, by virtue of the title of notary public,
13 that he or she has qualifications, powers, duties, rights, or
14 privileges that he or she does not possess by law;

15 (6) Engages in the unauthorized practice of law;

16 (7) Ceases to be a citizen of the United States;

17 (8) Ceases to be a registered voter of the county within
18 and for which he or she is commissioned;

19 (9) Ceases to have a residence address in the county within
20 and for which he or she is commissioned, unless he or she has
21 been issued an amended commission;

22 (10) Becomes incapable of reading or writing the English
23 language;

24 (11) Fails to maintain the surety bond required by section
25 486.235.

26 2. A notary's commission may be revoked under the
27 provisions of this section if action is taken subject to the
28 rights of the notary public to notice, hearing, adjudication and

1 appeal. The secretary of state shall have further power and
2 authority as is reasonably necessary to enable the secretary of
3 state to administer this chapter efficiently and to perform the
4 duties therein imposed upon the secretary of state, including
5 immediate suspension of a notary upon written notice sent by
6 certified mail if the situation is deemed to have a serious
7 unlawful effect on the general public; provided, that the notary
8 public shall be entitled to hearing and adjudication as soon
9 thereafter as is practicable.

10 3. A notary public, who is an attorney, shall be revoked of
11 his or her commission if such notary public has an invalid
12 license to practice law in this state, the attorney's law
13 license, whether voluntary or involuntary, was suspended,
14 revoked, or terminated, or the attorney is no longer licensed to
15 practice law in this state. Such person may still become a
16 notary if he or she meets all qualifications for becoming a
17 notary public.

18 4. The secretary of state may establish a notification
19 process with the supreme court of this state for notification of
20 actions taken by the court on existing licenses of attorneys.
21 The secretary of state shall promulgate rules to implement the
22 provisions of this subsection. Any rule or portion of a rule, as
23 that term is defined in section 536.010, RSMo, that is created
24 under the authority delegated in this section shall become
25 effective only if it complies with and is subject to all of the
26 provisions of chapter 536, RSMo, and, if applicable, section
27 536.028, RSMo. This section and chapter 536, RSMo, are
28 nonseverable and if any of the powers vested with the general

assembly under chapter 536, RSMo, to review, to delay the
effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28, 2007,
shall be invalid and void.

487.020. 1. In each circuit or a county having a family court, a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate

1 circuit court judges and commissioners authorized to hear actions
2 classified under section 487.080.

3 2. The circuit court in the eleventh judicial circuit may,
4 in substitution of a family court commissioner currently
5 appointed pursuant to this section whose salary is reimbursable,
6 appoint one family court commissioner whose compensation shall be
7 payable by the state without necessity of reimbursement. The
8 provisions of this subsection shall not be construed to allow
9 appointment of a family court commissioner in addition to the
10 number of such family court commissioners holding office in the
11 eleventh judicial circuit as of January 1, 1999, and the
12 appointment of the state-paid commissioner shall be subject to
13 appropriations for such purpose.

14 3. Notwithstanding the provisions of subsection 1 of this
15 section, the circuit court in the thirty-first judicial circuit
16 may appoint one family court commissioner whose compensation
17 shall be payable by the state without necessity of reimbursement.

18 4. Each commissioner of the family court shall possess the
19 same qualifications as a circuit judge. The compensation and
20 retirement benefits of each commissioner shall be the same as
21 that of an associate circuit judge, payable in the same manner
22 and from the same source as that of an associate circuit judge.

23 488.014. No court of record in this state, municipal
24 division of the circuit court, or any entity collecting court
25 costs on their behalf shall be required to refund any overpayment
26 of court costs in an amount not exceeding five dollars or to
27 collect any due court costs in an amount of less than five
28 dollars. Any such overpaid funds may be retained by the county

1 for the operation of the circuit court or by the city for the
2 operation of the municipal division of the circuit court.

3 488.2253. In every contested case, or case in which the
4 evidence is to be preserved, except for the collection of
5 delinquent or back taxes, before any circuit judge when an
6 official court reporter is appointed, the clerk of said court
7 shall tax up the sum of [fifteen] twenty-five dollars, to be
8 collected as other costs, and paid by said clerk to the director
9 of revenue of the state.

10 494.425. The following persons shall be disqualified from
11 serving as a petit or grand juror:

12 (1) Any person who is less than twenty-one years of age;

13 (2) Any person not a citizen of the United States;

14 (3) Any person not a resident of the county or city not
15 within a county served by the court issuing the summons;

16 (4) Any person who has been convicted of a felony, unless
17 such person has been restored to his civil rights;

18 (5) Any person unable to read, speak and understand the
19 English language, unless such person's inability is due to a
20 vision or hearing impairment which can be adequately compensated
21 for through the use of auxiliary aids or services;

22 (6) Any person on active duty in the armed forces of the
23 United States or any member of the organized militia on active
24 duty under order of the governor;

25 (7) Any [judge of a court of record] licensed attorney at
26 law;

27 (8) Any person who, in the judgment of the court, is
28 incapable of performing the duties of a juror because of mental

1 or physical illness or infirmity. The juror or the juror's
2 personal representative, may provide the court with documentation
3 from a physician licensed to practice medicine verifying that a
4 mental or physical condition renders the person unfit for jury
5 service for a period of up to twenty-four months.

6 494.430. 1. Upon timely application to the court, the
7 following persons shall be excused from service as a petit or
8 grand juror:

9 (1) Any person who has served on a state or federal petit
10 or grand jury within the preceding two years;

11 (2) Any person whose absence from his or her regular place
12 of employment would, in the judgment of the court, tend
13 materially and adversely to affect the public safety, health,
14 welfare or interest;

15 (3) Any person upon whom service as a juror would in the
16 judgment of the court impose an undue or extreme physical or
17 financial hardship;

18 (4) [Any person licensed as a health care provider as such
19 term is defined in section 538.205, RSMo, but only if such person
20 provides a written statement to the court certifying that he or
21 she is actually providing health care services to patients, and
22 that the person's service as a juror would be detrimental to the
23 health of the person's patients;

24 (5)] Any employee of a religious institution whose
25 religious obligations or constraints prohibit their serving on a
26 jury. The certification of the employment and obligation or
27 constraint may be provided by the employee's religious
28 supervisor.

1 2. Upon timely application to the court, the court may, in
2 its discretion, excuse from service as a petit or grand juror any
3 person licensed as a health care provider, as defined in section
4 538.205, RSMo, but only if such person provides a written
5 statement to the court certifying that he or she is actually
6 providing health care services to patients, and that the person's
7 service as a juror would be detrimental to the health of the
8 person's patients.

9 3. A judge of the court for which the individual was called
10 to jury service shall make undue or extreme physical or financial
11 hardship determinations. The authority to make these
12 determinations is delegable only to court officials or personnel
13 who are authorized by the laws of this state to function as
14 members of the judiciary.

15 [3.] 4. A person asking to be excused based on a finding of
16 undue or extreme physical or financial hardship must take all
17 actions necessary to have obtained a ruling on that request by no
18 later than the date on which the individual is scheduled to
19 appear for jury duty.

20 [4.] 5. Unless it is apparent to the court that the
21 physical hardship would significantly impair the person's ability
22 to serve as a juror, for purposes of sections 494.400 to 494.460
23 undue or extreme physical or financial hardship is limited to
24 circumstances in which an individual would:

25 (1) Be required to abandon a person under his or her
26 personal care or supervision due to the impossibility of
27 obtaining an appropriate substitute caregiver during the period
28 of participation in the jury pool or on the jury; or

1 (2) Incur costs that would have a substantial adverse
2 impact on the payment of the individual's necessary daily living
3 expenses or on those for whom he or she provides the principal
4 means of support; or

5 (3) Suffer physical hardship that would result in illness
6 or disease.

7 [5.] 6. Undue or extreme physical or financial hardship
8 does not exist solely based on the fact that a prospective juror
9 will be required to be absent from his or her place of
10 employment.

11 [6.] 7. A person asking a judge to grant an excuse based on
12 undue or extreme physical or financial hardship shall provide the
13 judge with documentation as required by the judge, such as, but
14 not limited to, federal and state income tax returns, medical
15 statements from licensed physicians, proof of dependency or
16 guardianship, and similar documents, which the judge finds to
17 clearly support the request to be excused. Failure to provide
18 satisfactory documentation shall result in a denial of the
19 request to be excused. Such documents shall be filed under seal.

20 [7.] 8. After two years, a person excused from jury service
21 shall become eligible once again for qualification as a juror
22 unless the person was excused from service permanently. A person
23 is excused from jury service permanently only when the deciding
24 judge determines that the underlying grounds for being excused
25 are of a permanent nature.

26 510.120. 1. During the period beginning January first and
27 ending June first of each year, or whenever the general assembly
28 is in session, there shall be an automatic stay of all

1 administrative and court proceedings in which any member of the
2 general assembly has filed a written notice with the court or
3 administrative hearing officer and with all parties to the
4 proceeding that the member is:

5 (1) A necessary witness;

6 (2) A party to the action; or

7 (3) The [initial] lead attorney for any party or has filed
8 an entry of appearance as an attorney for any party [more than
9 forty-five days prior to the filing of the written notice under
10 this subsection].

11 2. The stay created by this section shall apply to all
12 trials, motions, hearings, discovery responses, depositions,
13 responses to motions, docket calls, and any other proceedings
14 before any trial court or administrative tribunal, including
15 municipal courts. The stay shall also apply to any order
16 requiring the member to serve as a juror whenever the general
17 assembly is in session.

18 3. The stay created by this section shall not apply:

19 (1) If the member waives the protections of this stay in
20 the form of a written memorandum filed with the trial court or
21 administrative tribunal;

22 (2) To any proceedings under chapter 288, RSMo;

23 (3) To any proceedings involving a request for injunctive
24 relief; or

25 (4) To any proceeding in which the member is charged with a
26 felony or a class A misdemeanor.

27 4. The court of appeals shall have original jurisdiction
28 over any application for termination or modification of the stay.

1 5. In all civil cases or administrative proceedings or in
2 criminal cases pending in this state at any time when the general
3 assembly is in veto session, special session, or holding
4 out-of-session committee hearings, it shall be a sufficient cause
5 for such continuance if it shall appear to the court, by written
6 notice, that any party applying for such continuance, or any
7 attorney, solicitor or counsel of such party is a member of
8 either house of the general assembly, and in actual attendance on
9 the out-of-session committee hearings, special session, or veto
10 session of the same, and that the attendance of such party,
11 attorney, solicitor or counsel is necessary to a fair and proper
12 trial or other proceeding in such suit; and on the filing of such
13 notice the court shall continue such suit and any and all motions
14 or other proceedings therein, of every kind and nature, including
15 the taking of depositions and discovery responses, and thereupon
16 no trial or other proceedings of any kind or nature shall be had
17 therein until the adjournment or recess for three days or more of
18 the special session or veto session of the general assembly, nor
19 for one day before or after or the day of any out-of-session
20 committee hearings. Such notice shall be sufficient, if made
21 within two days of the out-of-session committee hearings, special
22 session, or veto session of the general assembly, showing that at
23 the time of making the same such party, attorney, solicitor or
24 counsel is scheduled to be in actual attendance upon such
25 out-of-session committee hearings, special session, or veto
26 session of the general assembly.

27 516.140. Within two years: An action for libel, slander,
28 injurious falsehood, assault, battery, false imprisonment,

1 criminal conversation, malicious prosecution or actions brought
2 under section 290.140, RSMo. An action by an employee for the
3 payment of unpaid minimum wages, unpaid overtime compensation or
4 liquidated damages by reason of the nonpayment of minimum wages
5 or overtime compensation, and for the recovery of any amount
6 under and by virtue of the provisions of the Fair Labor Standards
7 Act of 1938 and amendments thereto, such act being an act of
8 Congress, shall be brought within two years after the cause
9 accrued.

10 517.041. 1. The process in all cases shall be a summons
11 with a copy of the petition of the plaintiff attached, directed
12 to the sheriff or other proper person for service on the
13 defendant. The summons shall command the defendant to appear
14 before the court on a date and time, not less than ten days nor
15 more than ~~[thirty]~~ sixty days from the date of service of the
16 summons.

17 2. If process is not timely served, the plaintiff may
18 request further process be issued to any defendant not timely
19 served with the case being continued, or the plaintiff may
20 dismiss as to any such defendant and proceed with the case.

21 3. A petition filed which states a claim or claims that in
22 the aggregate exceeds the jurisdictional limit of the division
23 shall be certified to presiding judge for assignment.

24 527.270. 1. Hereafter every person desiring to change his
25 or her name may present a petition to that effect, verified by
26 affidavit, to the circuit court in the county of the petitioner's
27 residence, which petition shall set forth the petitioner's full
28 name, the new name desired, and a concise statement of the reason

1 for such desired change; and it shall be the duty of the judge of
2 such court to order such change to be made, and spread upon the
3 records of the court, in proper form, if such judge is satisfied
4 that the desired change would be proper and not detrimental to
5 the interests of any other person.

6 2. No person who is confined in prison under sentence for a
7 felony shall be eligible to change his or her name until
8 completion of the sentence imposed.

9 535.025. Parties may prosecute their claims and defenses
10 without the assistance of an attorney. Corporations or
11 unincorporated associations may enter their appearance and be
12 represented by a president or vice-president. Such
13 representation shall not be deemed the unauthorized practice of
14 law.

15 535.030. 1. Such summons shall be served as in other civil
16 cases at least four days before the court date in the summons.
17 The summons shall include a court date which shall not be more
18 than twenty-one business days from the date the summons is issued
19 unless at the time of filing the affidavit the plaintiff or
20 plaintiff's attorney consents in writing to a later date.

21 2. In addition to attempted personal service, the plaintiff
22 may request, and thereupon the clerk of the court shall make an
23 order directing that the officer, or other person empowered to
24 execute the summons, shall also serve the same by securely
25 affixing a copy of such summons and the complaint in a
26 conspicuous place on the dwelling of the premises in question at
27 least ten days before the court date in such summons, and by also
28 mailing a copy of the summons and complaint to the defendant at

1 the defendant's last known address by ordinary mail at least ten
2 days before the court date. If the officer, or other person
3 empowered to execute the summons, shall return that the defendant
4 is not found, or that the defendant has absconded or vacated his
5 or her usual place of abode in this state, and if proof be made
6 by affidavit of the posting and of the mailing of a copy of the
7 summons and complaint, the judge shall at the request of the
8 plaintiff proceed to hear the case as if there had been personal
9 service, and judgment shall be rendered and proceedings had as in
10 other cases, except that no money judgment shall be granted the
11 plaintiff where the defendant is in default and service is by the
12 posting and mailing procedure set forth in this section.

13 3. If the plaintiff does not request service of the
14 original summons by posting and mailing as provided in subsection
15 2 of this section, and if the officer, or other person empowered
16 to execute the summons, makes return that the defendant is not
17 found, or that the defendant has absconded or vacated the
18 defendant's usual place of abode in this state, the plaintiff may
19 request the issuance of an alias summons and service of the same
20 by posting and mailing in the time and manner provided in
21 subsection 2 of this section. In addition, the plaintiff or an
22 agent of the plaintiff who is at least eighteen years of age may
23 serve the summons by posting and mailing a copy of the summons in
24 the time and manner provided in subsection 2 of this section.
25 Upon proof by affidavit of the posting and of the mailing of a
26 copy of the summons or alias summons and the complaint, the judge
27 shall proceed to hear the case as if there had been personal
28 service, and judgment shall be rendered and proceedings had as in

1 other cases, except that no money judgment shall be granted the
2 plaintiff where the defendant is in default and service is by the
3 posting and mailing procedure provided in subsection 2 of this
4 section.

5 4. On the date judgment is rendered as provided in this
6 section where the defendant is in default, the clerk of the court
7 shall mail to the defendant at the defendant's last known address
8 by [certified mail, with a request for return receipt and with
9 directions to deliver to the addressee only,] ordinary mail a
10 notice informing the defendant of the judgment and the date it
11 was entered, and stating that the defendant has ten days from the
12 date of the judgment to file a motion to set aside the judgment
13 or to file an application for a trial de novo in the circuit
14 court, as the case may be, and that unless the judgment is set
15 aside or an application for a trial de novo is filed within ten
16 days, the judgment will become final and the defendant will be
17 subject to eviction from the premises without further notice.

18 535.040. 1. Upon the return of the summons executed, the
19 judge shall set the case on the first available court date and
20 shall proceed to hear the cause, and if it shall appear that the
21 rent which is due has been demanded of the tenant, lessee or
22 persons occupying the property, and that payment has not been
23 made, and if the payment of such rent, with all costs, shall not
24 be tendered before the judge, on the hearing of the cause, the
25 judge shall render judgment that the landlord recover the
26 possession of the premises so rented or leased, and also the debt
27 for the amount of the rent then due, with all court costs and
28 shall issue an execution upon such judgment, commanding the

1 officer to put the landlord into immediate possession of the
2 property leased or rented, and to make the debt and costs of the
3 goods and chattels of the defendant. No money judgment shall be
4 granted to the plaintiff if the defendant is in default and
5 service was by the posting procedure provided in section 535.030
6 unless the defendant otherwise enters an appearance. The officer
7 shall deliver possession of the property to the landlord within
8 five days from the time of receiving the execution, and the
9 officer shall proceed upon the execution to collect the debt and
10 costs, and return the writ, as in the case of other executions.
11 If the plaintiff so elects, the plaintiff may sue for possession
12 alone, without asking for recovery of the rent due.

13 2. Neither the landlord, nor his or her successors,
14 assigns, agents, nor representatives shall be liable to anyone
15 for loss or damage to any household goods, furnishings, fixtures,
16 or any other personal property left in or at the dwelling by the
17 reason of the landlord's removal or disposal of the property
18 under a court-ordered execution for possession of the premises.
19 Notwithstanding the foregoing, after the sheriff has completed
20 the court-ordered execution, property left by the tenant in or at
21 the dwelling bearing a conspicuous permanent label or marking
22 identifying it as the property of a third party, the landlord
23 shall make a reasonable effort to notify such third party who
24 shall be given the opportunity within five business days of the
25 date of the execution to recover such property.

26 556.036. 1. A prosecution for murder, forcible rape,
27 attempted forcible rape, forcible sodomy, attempted forcible
28 sodomy, or any class A felony may be commenced at any time.

1 2. Except as otherwise provided in this section,
2 prosecutions for other offenses must be commenced within the
3 following periods of limitation:

4 (1) For any felony, three years;

5 (2) For any misdemeanor, one year;

6 (3) For any infraction, six months.

7 3. If the period prescribed in subsection 2 of this section
8 has expired, a prosecution may nevertheless be commenced for:

9 (1) Any offense a material element of which is either fraud
10 or a breach of fiduciary obligation within one year after
11 discovery of the offense by an aggrieved party or by a person who
12 has a legal duty to represent an aggrieved party and who is
13 himself or herself not a party to the offense, but in no case
14 shall this provision extend the period of limitation by more than
15 three years. As used in this subdivision, the term "person who
16 has a legal duty to represent an aggrieved party" shall mean the
17 attorney general or the prosecuting or circuit attorney having
18 jurisdiction pursuant to section 407.553, RSMo, for purposes of
19 offenses committed pursuant to sections 407.511 to 407.556, RSMo;
20 and

21 (2) Any offense based upon misconduct in office by a public
22 officer or employee at any time when the defendant is in public
23 office or employment or within two years thereafter, but in no
24 case shall this provision extend the period of limitation by more
25 than three years; [and]

26 (3) Any offense based upon an intentional and willful
27 fraudulent claim of child support arrearage to a public servant
28 in the performance of his or her duties within one year after

1 discovery of the offense, but in no case shall this provision
2 extend the period of limitation by more than three years; and

3 (4) Any violation of sections 569.040 to 569.055, RSMo,
4 within five years.

5 4. An offense is committed either when every element
6 occurs, or, if a legislative purpose to prohibit a continuing
7 course of conduct plainly appears, at the time when the course of
8 conduct or the defendant's complicity therein is terminated.
9 Time starts to run on the day after the offense is committed.

10 5. A prosecution is commenced for a misdemeanor or
11 infraction when the information is filed and for a felony when
12 the complaint or indictment is filed.

13 6. The period of limitation does not run:

14 (1) During any time when the accused is absent from the
15 state, but in no case shall this provision extend the period of
16 limitation otherwise applicable by more than three years; or

17 (2) During any time when the accused is concealing himself
18 from justice either within or without this state; or

19 (3) During any time when a prosecution against the accused
20 for the offense is pending in this state; or

21 (4) During any time when the accused is found to lack
22 mental fitness to proceed pursuant to section 552.020, RSMo.

23 559.600. 1. In cases where the board of probation and
24 parole is not required under section 217.750, RSMo, to provide
25 probation supervision and rehabilitation services for misdemeanor
26 offenders, the circuit and associate circuit judges in a circuit
27 may contract with one or more private entities to provide such
28 services. The court-approved private entity shall act as a

1 misdemeanor probation office in that circuit and shall, pursuant
2 to the terms of the contract, supervise persons placed on
3 probation by the judges for class A, B, and C misdemeanor
4 offenses, specifically including persons placed on probation for
5 violations of section 577.023, RSMo. Nothing in sections 559.600
6 to 559.615 shall be construed to prohibit the board of probation
7 and parole, or the court, from supervising misdemeanor offenders
8 in a circuit where the judges have entered into a contract with a
9 private probation entity.

10 2. (1) In any county of the first classification, the
11 governing body of such county may by order establish a department
12 of probation services which shall provide all probation services
13 as in the case of private probation service providers. The
14 county shall employ such personnel as may be required to provide
15 such probation services.

16 (2) Any department of probation services created by order
17 under this section shall be subject to the supervision of the
18 circuit court for such county and shall establish reasonable fees
19 and charges for its probation services. Such fees and charges
20 shall be paid and assessed to the respective probationers. The
21 county may contract for the rendering of probation services with
22 any circuit court or municipality as may be agreed.

23 565.072. 1. A person commits the crime of domestic assault
24 in the first degree if he or she attempts to kill or knowingly
25 causes or attempts to cause serious physical injury to a family
26 or household member or an adult who is or has been in a
27 continuing social relationship of a romantic or intimate nature
28 with the actor, as defined in section 455.010, RSMo.

1 2. Domestic assault in the first degree is a class B felony
2 unless in the course thereof the actor inflicts serious physical
3 injury on the victim or has previously pleaded guilty to or been
4 found guilty of committing this crime, in which case it is a
5 class A felony.

6 566.150. 1. Any person who has pled guilty to, or been
7 convicted of, or been found guilty of violating any of the
8 provisions of this chapter or the provisions of subsection 2 of
9 section 568.020, RSMo, incest; section 568.045, RSMo, endangering
10 the welfare of a child in the first degree; subsection 2 of
11 section 568.080, RSMo, use of a child in a sexual performance;
12 section 568.090, RSMo, promoting a sexual performance by a child;
13 section 573.023, RSMo, sexual exploitation of a minor; section
14 573.025, RSMo, promoting child pornography; or section 573.040,
15 RSMo, furnishing pornographic material to minors, shall not serve
16 as an athletic coach, manager, or athletic trainer for any sports
17 team in which a child less than seventeen years of age is a
18 member.

19 2. Any person who serves as an athletic coach, manager, or
20 athletic trainer in violation of the provisions of this section
21 is guilty of a class A misdemeanor.

22 3. Any second or subsequent violation of this section by a
23 person who serves as an athletic coach, manager, or athletic
24 trainer in violation of this section is guilty of a class D
25 felony.

26 566.224. No prosecuting or circuit attorney, peace officer,
27 governmental official, or employee of a law enforcement agency
28 shall request or require a victim of sexual assault under section

1 566.040 or forcible rape under section 566.030 to submit to any
2 polygraph test or psychological stress evaluator exam as a
3 condition for proceeding with a criminal investigation of such
4 crime.

5 566.226. 1. After August 28, 2007, any information
6 contained in any court record, whether written or published on
7 the Internet, that could be used to identify or locate any victim
8 of sexual assault, domestic assault, stalking, or forcible rape
9 shall be closed and redacted from such record prior to disclosure
10 to the public. Identifying information shall include the name,
11 home or temporary address, telephone number, Social Security
12 number or physical characteristics.

13 2. If the court determines that a person or entity who is
14 requesting identifying information of a victim has a legitimate
15 interest in obtaining such information, the court may allow
16 access to the information, but only if the court determines that
17 disclosure to the person or entity would not compromise the
18 welfare or safety of such victim.

19 568.045. 1. A person commits the crime of endangering the
20 welfare of a child in the first degree if:

21 (1) The person knowingly acts in a manner that creates a
22 substantial risk to the life, body, or health of a child less
23 than seventeen years old; or

24 (2) The person knowingly engages in sexual conduct with a
25 person under the age of seventeen years over whom the person is a
26 parent, guardian, or otherwise charged with the care and custody;

27 (3) The person knowingly encourages, aids or causes a child
28 less than seventeen years of age to engage in any conduct which

violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. Endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

3. This section shall be known as "Hope's Law".

589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, or stalking, who has

been designated by the respective agency or program, and who has
been trained and registered by the secretary of state to assist
individuals in the completion of program participation
applications;

(3) "Designated address", the address assigned to a program
participant by the secretary;

(4) "Mailing address", an address that is recognized for
delivery by the United States Postal Service;

(5) "Program", the address confidentiality program
established in section 589.663;

(6) "Program participant", a person certified by the
secretary of state as eligible to participate in the address
confidentiality program;

(7) "Secretary", the secretary of state.

589.663. 1. There is created in the office of the
secretary of state a program to be known as the "Address
Confidentiality Program" to protect victims of domestic violence,
rape, sexual assault, or stalking by authorizing the use of
designated addresses for such victims and their minor children.
The program shall be administered by the secretary under the
following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf
of a minor, or a guardian acting on behalf of an incapacitated
person may apply to the secretary to have a designated address
assigned by the secretary to serve as the person's address or the
address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is
filed with the office of the secretary in the manner established

1 by rule and on a form prescribed by the secretary. A completed
2 application shall contain:

3 (a) The application preparation date, the applicant's
4 signature, and the signature and registration number of the
5 application assistant who assisted the applicant in applying to
6 be a program participant;

7 (b) A designation of the secretary as agent for purposes of
8 service of process and for receipt of first-class mail, legal
9 documents, and certified mail;

10 (c) A sworn statement by the applicant that the applicant
11 has good reason to believe that he or she:

12 a. Is a victim of domestic violence, rape, sexual assault,
13 or stalking; and

14 b. Fears further violent acts from his or her assailant;

15 (d) The mailing address where the applicant may be
16 contacted by the secretary or a designee and the telephone number
17 or numbers where the applicant may be called by the secretary or
18 the secretary's designee; and

19 (e) One or more addresses that the applicant requests not
20 be disclosed for the reason that disclosure will jeopardize the
21 applicant's safety or increase the risk of violence to the
22 applicant or members of the applicant's household;

23 (3) Upon receipt of a properly completed application, the
24 secretary may certify the applicant as a program participant. A
25 program participant is certified for four years following the
26 date of initial certification unless the certification is
27 withdrawn or cancelled before that date. The secretary shall
28 send notification of lapsing certification and a reapplication

form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first-class mail, legal documents, and certified mail to the appropriate program participants.

2. A person commits a class D felony if:

(1) An applicant knowingly files an application containing false or incorrect information; or

(2) An applicant knowingly files a false claim stating that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made; or

(3) An application assistant knowingly assists or participates in the filing of an application that contains false or incorrect information or contains a false claim that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

589.666. Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply:

(1) If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within ten business days of the name change;

(2) If there is a change in the mailing address from the

person listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

(3) The applicant or program participant violates subsection 2 of section 589.663.

589.669. Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

(1) The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the address; and

(2) The program participant's address or mailing address shall be used only for those statutory and administrative purposes.

589.672. If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

(1) If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

(2) Upon request to the secretary by a director of a state agency or the director's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the director

1 or the director's designee is unable to fulfill statutory duties
2 and obligations without the address or mailing address.

3 589.675. If the secretary deems it appropriate, the
4 secretary shall make a program participant's address and mailing
5 address available for inspection or copying under the following
6 circumstances:

7 (1) To a person identified in a court order, upon the
8 secretary's receipt of such court order that specifically orders
9 the disclosure of a particular program participant's address and
10 mailing address and the reasons stated for the disclosure; or

11 (2) If the certification has been cancelled because the
12 applicant or program participant violated subsection 2 of section
13 589.663.

14 589.678. A program participant's application and supporting
15 materials are not a public record and shall be kept confidential
16 by the secretary.

17 589.681. The secretary shall promulgate rules to establish
18 and administer the address confidentiality program. Any rule or
19 portion of a rule, as that term is defined in section 536.010,
20 RSMo, that is created under the authority delegated in sections
21 589.660 to 589.681 shall become effective only if it complies
22 with and is subject to all of the provisions of chapter 536,
23 RSMo, and, if applicable, section 536.028, RSMo. This section
24 and chapter 536, RSMo, are nonseverable and if any of the powers
25 vested with the general assembly pursuant to chapter 536, RSMo,
26 to review, to delay the effective date, or to disapprove and
27 annul a rule are subsequently held unconstitutional, then the
28 grant of rulemaking authority and any rule proposed or adopted

1 after August 28, 2007, shall be invalid and void.

2 589.683. Pursuant to section 23.253, RSMo, of the Missouri
3 Sunset Act:

4 (1) Any new program authorized under sections 589.660 to
5 589.683 shall automatically sunset six years after the effective
6 date of sections 589.660 to 589.683 unless reauthorized by an act
7 of the general assembly; and

8 (2) If such program is reauthorized, the program authorized
9 under sections 589.660 to 589.683 shall automatically sunset
10 twelve years after the effective date of the reauthorization of
11 sections 589.660 to 589.683; and

12 (3) Sections 589.660 to 589.683 shall terminate on
13 September first of the calendar year immediately following the
14 calendar year in which a program authorized under sections
15 589.660 to 589.683 is sunset.

16 595.030. 1. No compensation shall be paid unless the
17 claimant has incurred an out-of-pocket loss of at least fifty
18 dollars or has lost two continuous weeks of earnings or support
19 from gainful employment. "Out-of-pocket loss" shall mean
20 unreimbursed or unreimbursable expenses or indebtedness
21 reasonably incurred:

22 (1) For medical care or other services, including
23 psychiatric, psychological or counseling expenses, necessary as a
24 result of the crime upon which the claim is based, except that
25 the amount paid for psychiatric, psychological or counseling
26 expenses per eligible claim shall not exceed two thousand five
27 hundred dollars; or

28 (2) As a result of personal property being seized in an

1 investigation by law enforcement. Compensation paid for an
2 "out-of-pocket loss" under this subdivision shall be in an amount
3 equal to the loss sustained, but shall not exceed two hundred
4 fifty dollars.

5 2. No compensation shall be paid unless the division of
6 workers' compensation finds that a crime was committed, that such
7 crime directly resulted in personal physical injury to, or the
8 death of, the victim, and that police records show that such
9 crime was promptly reported to the proper authorities. In no
10 case may compensation be paid if the police records show that
11 such report was made more than forty-eight hours after the
12 occurrence of such crime, unless the division of workers'
13 compensation finds that the report to the police was delayed for
14 good cause. If the victim is under eighteen years of age such
15 report may be made by the victim's parent, guardian or custodian;
16 by a physician, a nurse, or hospital emergency room personnel; by
17 the division of family services personnel; or by any other member
18 of the victim's family. In the case of a sexual offense, filing
19 a report of the offense to the proper authorities may include,
20 but not be limited to, the filing of the report of the forensic
21 examination by the appropriate medical provider, as defined in
22 section 191.225, RSMo, with the prosecuting attorney of the
23 county in which the alleged incident occurred.

24 3. No compensation shall be paid for medical care if the
25 service provider is not a medical provider as that term is
26 defined in section 595.027, and the individual providing the
27 medical care is not licensed by the state of Missouri or the
28 state in which the medical care is provided.

1 4. No compensation shall be paid for psychiatric treatment
2 or other counseling services, including psychotherapy, unless the
3 service provider is a:

4 (1) Physician licensed pursuant to chapter 334, RSMo, or
5 licensed to practice medicine in the state in which the service
6 is provided;

7 (2) Psychologist licensed pursuant to chapter 337, RSMo, or
8 licensed to practice psychology in the state in which the service
9 is provided;

10 (3) Clinical social worker licensed pursuant to chapter
11 337, RSMo; or

12 (4) Professional counselor licensed pursuant to chapter
13 337, RSMo.

14 5. Any compensation paid pursuant to sections 595.010 to
15 595.075 for death or personal injury shall be in an amount not
16 exceeding out-of-pocket loss, together with loss of earnings or
17 support from gainful employment, not to exceed two hundred
18 dollars per week, resulting from such injury or death. In the
19 event of death of the victim, an award may be made for reasonable
20 and necessary expenses actually incurred for preparation and
21 burial not to exceed five thousand dollars.

22 6. Any compensation for loss of earnings or support from
23 gainful employment shall be in an amount equal to the actual loss
24 sustained not to exceed two hundred dollars per week; provided,
25 however, that no award pursuant to sections 595.010 to 595.075
26 shall exceed twenty-five thousand dollars. If two or more
27 persons are entitled to compensation as a result of the death of
28 a person which is the direct result of a crime or in the case of

1 a sexual assault, the compensation shall be apportioned by the
2 division of workers' compensation among the claimants in
3 proportion to their loss.

4 7. The method and timing of the payment of any compensation
5 pursuant to sections 595.010 to 595.075 shall be determined by
6 the division.

7 595.036. 1. Any party aggrieved by a decision of the
8 department on a claim under the provisions of sections 595.010 to
9 595.070 may, within thirty days following the date of
10 notification of mailing of such decision, file a petition with
11 the division of workers' compensation of the department of labor
12 and industrial relations to have such decision heard de novo by
13 an administrative law judge. The administrative law judge may
14 affirm, reverse, or set aside the decision of the department of
15 public safety on the basis of the evidence previously submitted
16 in such case or may take additional evidence or may remand the
17 matter to the department of public safety with directions. The
18 division of workers' compensation shall promptly notify the
19 parties of its decision and the reasons therefor.

20 2. Any of the parties to a decision of an administrative
21 law judge of the division of workers' compensation, as provided
22 by subsection 1 of this section, on a claim heard under the
23 provisions of sections 595.010 to 595.070 may, within thirty days
24 following the date of notification or mailing of such decision,
25 file a petition with the labor and industrial relations
26 commission to have such decision reviewed by the commission. The
27 commission may allow or deny a petition for review. If a
28 petition is allowed, the commission may affirm, reverse, or set

1 aside the decision of the division of workers' compensation on
2 the basis of the evidence previously submitted in such case or
3 may take additional evidence or may remand the matter to the
4 division of workers' compensation with directions. The
5 commission shall promptly notify the parties of its decision and
6 the reasons therefor.

7 [2.] 3. Any petition for review filed pursuant to
8 subsection 1 of this section shall be deemed to be filed as of
9 the date endorsed by the United States Postal Service on the
10 envelope or container in which such petition is received.

11 [3.] 4. Any party who is aggrieved by a final decision of
12 the labor and industrial relations commission pursuant to the
13 provisions of subsections [1 and] 2 and 3 of this section [may
14 seek judicial review thereof, as provided in sections 536.100 to
15 536.140, RSMo] shall, within thirty days from the date of the
16 final decision, appeal the decision to the court of appeals.
17 Such appeal may be taken by filing notice of appeal with the
18 commission, whereupon the commission shall, under its
19 certificate, return to the court all documents and papers on file
20 in the matter, together with a transcript of the evidence, the
21 findings and award, which shall thereupon become the record of
22 the cause. Upon appeal no additional evidence shall be heard
23 and, in the absence of fraud, the findings of fact made by the
24 commission within its powers shall be conclusive and binding.
25 The court, on appeal, shall review only questions of law and may
26 modify, reverse, remand for rehearing, or set aside the award
27 upon any of the following grounds and no other:

28 (1) That the commission acted without or in excess of its

1 powers;

2 (2) That the award was procured by fraud;

3 (3) That the facts found by the commission do not support
4 the award;

5 (4) That there was not sufficient competent evidence in the
6 record to warrant the making of the award.

7 595.209. 1. The following rights shall automatically be
8 afforded to victims of dangerous felonies, as defined in section
9 556.061, RSMo, victims of murder in the first degree, as defined
10 in section 565.020, RSMo, victims of voluntary manslaughter, as
11 defined in section 565.023, RSMo, and victims of an attempt to
12 commit one of the preceding crimes, as defined in section
13 564.011, RSMo; and, upon written request, the following rights
14 shall be afforded to victims of all other crimes and witnesses of
15 crimes:

16 (1) For victims, the right to be present at all criminal
17 justice proceedings at which the defendant has such right,
18 including juvenile proceedings where the offense would have been
19 a felony if committed by an adult, even if the victim is called
20 to testify or may be called to testify as a witness in the case;

21 (2) For victims, the right to information about the crime,
22 as provided for in subdivision (5) of this subsection;

23 (3) For victims and witnesses, to be informed, in a timely
24 manner, by the prosecutor's office of the filing of charges,
25 preliminary hearing dates, trial dates, continuances and the
26 final disposition of the case. Final disposition information
27 shall be provided within five days;

28 (4) For victims, the right to confer with and to be

1 informed by the prosecutor regarding bail hearings, guilty pleas,
2 pleas under chapter 552, RSMo, or its successors, hearings,
3 sentencing and probation revocation hearings and the right to be
4 heard at such hearings, including juvenile proceedings, unless in
5 the determination of the court the interests of justice require
6 otherwise;

7 (5) The right to be informed by local law enforcement
8 agencies, the appropriate juvenile authorities or the custodial
9 authority of the following:

10 (a) The status of any case concerning a crime against the
11 victim, including juvenile offenses;

12 (b) The right to be informed by local law enforcement
13 agencies or the appropriate juvenile authorities of the
14 availability of victim compensation assistance, assistance in
15 obtaining documentation of the victim's losses, including, but
16 not limited to and subject to existing law concerning protected
17 information or closed records, access to copies of complete,
18 unaltered, unedited investigation reports of motor vehicle,
19 pedestrian, and other similar accidents upon request to the
20 appropriate law enforcement agency by the victim or the victim's
21 representative, and emergency crisis intervention services
22 available in the community;

23 (c) Any release of such person on bond or for any other
24 reason;

25 (d) Within twenty-four hours, any escape by such person
26 from a municipal detention facility, county jail, a correctional
27 facility operated by the department of corrections, mental health
28 facility, or the division of youth services or any agency

1 thereof, and any subsequent recapture of such person;

2 (6) For victims, the right to be informed by appropriate
3 juvenile authorities of probation revocation hearings initiated
4 by the juvenile authority and the right to be heard at such
5 hearings or to offer a written statement, video or audio tape, or
6 a statement by counsel or a representative designated by the
7 victim on behalf of the victim in lieu of a personal appearance,
8 the right to be informed by the board of probation and parole of
9 probation revocation hearings initiated by the board and of
10 parole hearings, the right to be present at each and every phase
11 of parole hearings [and], the right to be heard at probation
12 revocation and parole hearings or to offer a written statement,
13 video or audio tape in lieu of a personal appearance, and the
14 right to have, upon written request of the victim, a partition
15 set up in the probation or parole hearing room in such a way that
16 the victim is shielded from the view of the probationer or
17 parolee, and the right to be informed by the custodial mental
18 health facility or agency thereof of any hearings for the release
19 of a person committed pursuant to the provisions of chapter 552,
20 RSMo, the right to be present at such hearings, the right to be
21 heard at such hearings or to offer a written statement, video or
22 audio tape, or a statement by counsel or a representative
23 designated by the victim in lieu of personal appearance;

24 (7) For victims and witnesses, upon their written request,
25 the right to be informed by the appropriate custodial authority,
26 including any municipal detention facility, juvenile detention
27 facility, county jail, correctional facility operated by the
28 department of corrections, mental health facility, division of

1 youth services or agency thereof if the offense would have been a
2 felony if committed by an adult, postconviction or commitment
3 pursuant to the provisions of chapter 552, RSMo, of the
4 following:

5 (a) The projected date of such person's release from
6 confinement;

7 (b) Any release of such person on bond;

8 (c) Any release of such person on furlough, work release,
9 trial release, electronic monitoring program, or to a community
10 correctional facility or program or release for any other reason,
11 in advance of such release;

12 (d) Any scheduled parole or release hearings, including
13 hearings under section 217.362, RSMo, regarding such person and
14 any changes in the scheduling of such hearings. No such hearing
15 shall be conducted without thirty days' advance notice;

16 (e) Within twenty-four hours, any escape by such person
17 from a municipal detention facility, county jail, a correctional
18 facility operated by the department of corrections, mental health
19 facility, or the division of youth services or any agency
20 thereof, and any subsequent recapture of such person;

21 (f) Any decision by a parole board, by a juvenile releasing
22 authority or by a circuit court presiding over releases pursuant
23 to the provisions of chapter 552, RSMo, or by a circuit court
24 presiding over releases under section 217.362, RSMo, to release
25 such person or any decision by the governor to commute the
26 sentence of such person or pardon such person;

27 (g) Notification within thirty days of the death of such
28 person;

1 (8) For witnesses who have been summoned by the prosecuting
2 attorney and for victims, to be notified by the prosecuting
3 attorney in a timely manner when a court proceeding will not go
4 on as scheduled;

5 (9) For victims and witnesses, the right to reasonable
6 protection from the defendant or any person acting on behalf of
7 the defendant from harm and threats of harm arising out of their
8 cooperation with law enforcement and prosecution efforts;

9 (10) For victims and witnesses, on charged cases or
10 submitted cases where no charge decision has yet been made, to be
11 informed by the prosecuting attorney of the status of the case
12 and of the availability of victim compensation assistance and of
13 financial assistance and emergency and crisis intervention
14 services available within the community and information relative
15 to applying for such assistance or services, and of any final
16 decision by the prosecuting attorney not to file charges;

17 (11) For victims, to be informed by the prosecuting
18 attorney of the right to restitution which shall be enforceable
19 in the same manner as any other cause of action as otherwise
20 provided by law;

21 (12) For victims and witnesses, to be informed by the court
22 and the prosecuting attorney of procedures to be followed in
23 order to apply for and receive any witness fee to which they are
24 entitled;

25 (13) When a victim's property is no longer needed for
26 evidentiary reasons or needs to be retained pending an appeal,
27 the prosecuting attorney or any law enforcement agency having
28 possession of the property shall, upon request of the victim,

1 return such property to the victim within five working days
2 unless the property is contraband or subject to forfeiture
3 proceedings, or provide written explanation of the reason why
4 such property shall not be returned;

5 (14) An employer may not discharge or discipline any
6 witness, victim or member of a victim's immediate family for
7 honoring a subpoena to testify in a criminal proceeding,
8 attending a criminal proceeding, or for participating in the
9 preparation of a criminal proceeding, or require any witness,
10 victim, or member of a victim's immediate family to use vacation
11 time, personal time, or sick leave for honoring a subpoena to
12 testify in a criminal proceeding, attending a criminal
13 proceeding, or participating in the preparation of a criminal
14 proceeding;

15 (15) For victims, to be provided with creditor intercession
16 services by the prosecuting attorney if the victim is unable, as
17 a result of the crime, temporarily to meet financial obligations;

18 (16) For victims and witnesses, the right to speedy
19 disposition of their cases, and for victims, the right to speedy
20 appellate review of their cases, provided that nothing in this
21 subdivision shall prevent the defendant from having sufficient
22 time to prepare such defendant's defense. The attorney general
23 shall provide victims, upon their written request, case status
24 information throughout the appellate process of their cases. The
25 provisions of this subdivision shall apply only to proceedings
26 involving the particular case to which the person is a victim or
27 witness;

28 (17) For victims and witnesses, to be provided by the

1 court, a secure waiting area during court proceedings and to
2 receive notification of the date, time and location of any
3 hearing conducted by the court for reconsideration of any
4 sentence imposed, modification of such sentence or recall and
5 release of any defendant from incarceration.

6 2. The provisions of subsection 1 of this section shall not
7 be construed to imply any victim who is incarcerated by the
8 department of corrections or any local law enforcement agency has
9 a right to be released to attend any hearing or that the
10 department of corrections or the local law enforcement agency has
11 any duty to transport such incarcerated victim to any hearing.

12 3. Those persons entitled to notice of events pursuant to
13 the provisions of subsection 1 of this section shall provide the
14 appropriate person or agency with their current addresses and
15 telephone numbers or the addresses or telephone numbers at which
16 they wish notification to be given.

17 4. Notification by the appropriate person or agency
18 utilizing the statewide automated crime victim notification
19 system as established in section 650.310, RSMo, shall constitute
20 compliance with the victim notification requirement of this
21 section. If notification utilizing the statewide automated crime
22 victim notification system cannot be used, then written
23 notification shall be sent by certified mail to the most current
24 address provided by the victim.

25 5. Victims' rights as established in section 32 of article
26 I of the Missouri Constitution or the laws of this state
27 pertaining to the rights of victims of crime shall be granted and
28 enforced regardless of the desires of a defendant and no

1 privileges of confidentiality shall exist in favor of the
2 defendant to exclude victims or prevent their full participation
3 in each and every phase of parole hearings or probation
4 revocation hearings. The rights of the victims granted in this
5 section are absolute and the policy of this state is that the
6 victim's rights are paramount to the defendant's rights. The
7 victim has an absolute right to be present at any hearing in
8 which the defendant is present before a probation and parole
9 hearing officer.

10 Section 1. For all petitions and court proceedings
11 involving allegations of adult abuse or stalking, the court may
12 order the record closed if the petition is denied, dismissed,
13 withdrawn by the petitioner, or denied after hearing.

14 Section 2. 1. Any television advertisement of legal
15 services shall not make a false or misleading communication about
16 the lawyer, law firm, or the legal services. A communication is
17 false if it contains a material misrepresentation of fact or law.
18 Misleading communications include but are not limited to the
19 following conditions:

20 (1) Omits a fact which leads the statement, when considered
21 as a whole, to be materially misleading;

22 (2) Makes a client likely to create an unjustified
23 expectation regarding the results the lawyer can achieve;

24 (3) States or implies that the lawyer can achieve results
25 by means that violate the rules of professional conduct or other
26 law;

27 (4) Advertises for a specific type of case which the lawyer
28 has neither experience nor competence;

1 (5) Contains any paid testimonial about or endorsement of
2 the lawyer, without conspicuous identification of the fact that
3 payment has been made for the testimonial or endorsement;

4 (6) Contains any simulated portrayal of a lawyer, client,
5 victim, scene, or event without conspicuous identification of the
6 fact that it is a simulation;

7 (7) States that legal services are available on a
8 contingent or no-recovery-no-fee basis without stating
9 conspicuously that the client may be responsible for costs or
10 expenses, if that is the case.

11 2. For purposes of this section, identifying or stating
12 "conspicuously" means the statement must be made in a type size
13 and manner that is reasonably legible to persons watching and
14 sounded audibly in a clear and understandable manner to persons
15 listening to the advertisement.

16 3. Any television advertisement of legal services must
17 contain the following language both sounded orally and stated in
18 writing: "Warning: The choice of a lawyer is an important
19 decision and should not be based solely upon advertisements."
20 The written disclaimer must be displayed for at least 10 seconds
21 at the beginning or the end of the television advertisement and
22 orally sounded at the beginning or the end of the advertisement.
23 The statement must be made in a type size and manner that is
24 reasonably legible to persons watching and sounded audibly in a
25 clear and understandable manner to persons listening to the
26 advertisement.

27 4. (1) If a television advertisement advertising legal
28 services includes amounts of particular past verdicts or

1 settlements then the full case name must be included in the
2 advertisement. Specific consent of the former client shall be
3 obtained for each television advertisement. This statement must
4 be made in a type size and manner that is reasonably legible to
5 persons watching or sounded audibly in a clear and understandable
6 manner to persons listening to the advertisement.

7 (2) If prior verdicts or settlements are referenced in a
8 television advertisement the following disclaimer must be
9 displayed in writing and sounded: "Warning: Past verdicts or
10 settlement amounts are not an indication that the advertiser can
11 achieve similar results for you or that you have a valid claim."
12 This statement must be made in a type size and manner that is
13 reasonably legible to persons watching or sounded audibly in a
14 clear and understandable manner to persons listening to the
15 advertisement.

16 (3) It is false or misleading advertising and a violation
17 of this section for an advertisement to state a combined dollar
18 amount or aggregate amount that an advertiser of legal services
19 claims to have achieved, including, but not limited to a
20 statement that, "Our firm has collected over a billion dollars
21 for our clients."

22 5. Any lawyer, law firm, or entity advertising legal
23 services on television in the State of Missouri must display in
24 writing or state orally, the location of the principal office of
25 the lawyer, law firm, or entity sponsoring the advertisement. If
26 the principal domicile of the lawyer, lawyer or entity
27 advertising legal services is not located in the state of
28 Missouri, the advertisement must clearly indicate in writing and

1 orally that fact. This above listed required statements must be
2 in a type size and manner that is reasonably legible to persons
3 watching and sounded audibly in a clear and understandable manner
4 to persons listening to the advertisement.

5 6. The only entities or organizations that can advertise on
6 television as a lawyer referral and information service and
7 refer potential clients or cases to lawyers or law firms are
8 qualified lawyer referral services as defined by the Missouri
9 supreme court rules of professional conduct.

10 7. The provisions of this section do not apply to
11 advertising done by a qualified lawyer referral service as
12 defined by the Missouri supreme court rules of professional
13 conduct.

14 8. The provisions of this section shall not apply to any
15 sponsorship by any lawyer or law firm.

16 9. Anyone who violates any provision of this section, in
17 addition to any other penalty imposed by law, may be held liable
18 for civil penalties in an amount not to exceed the total cost of
19 the advertisement, or ten thousand dollars, whichever is greater.
20 Any person may file a civil suit to recover the penalties in this
21 section. For purposes of this section, "total cost of the
22 advertisement" shall include the cost of production of the
23 advertisement, reproduction of the advertisement and the amount
24 paid to broadcast the advertisement.

25 [70.320. Suits affecting any of the terms of any
26 contract may be brought in the circuit court of the
27 county in which any contracting municipality or
28 political subdivision is located or in the circuit
29 court of the county in which a party to the contract
30 resides.]

1 [211.322. The juvenile division of each circuit
2 court shall report statistics and information relating
3 to the nature, extent and causes of and conditions
4 contributing to the delinquency of children and
5 information relating to the existence and effectiveness
6 of delinquency prevention and rehabilitation programs
7 operated by the courts, upon request of the division of
8 youth services, to the division of youth services.]

9 [452.440. Sections 452.440 to 452.550 may be
10 cited as the "Uniform Child Custody Jurisdiction Act".]
11

12 [452.445. As used in sections 452.440 to 452.550:

13 (1) "Custody determination" means a court
14 decision and court orders and instructions providing
15 for the custody of a child, including visitation
16 rights. This term does not include a decision relating
17 to child support or any other monetary obligation of
18 any person; but the court shall have the right in any
19 custody determination where jurisdiction is had
20 pursuant to section 452.460 and where it is in the best
21 interest of the child to adjudicate the issue of child
22 support;

23 (2) "Custody proceeding" includes proceedings in
24 which a custody determination is one of several issues,
25 such as an action for dissolution of marriage, legal
26 separation, separate maintenance, appointment of a
27 guardian of the person, child neglect or abandonment,
28 but excluding actions for violation of a state law or
29 municipal ordinance;

30 (3) "Decree" or "custody decree" means a custody
31 determination contained in a judicial decree or order
32 made in a custody proceeding, and includes an initial
33 decree and a modification decree;

34 (4) "Home state" means the state in which,
35 immediately preceding the filing of custody proceeding,
36 the child lived with his parents, a parent, an
37 institution; or a person acting as parent, for at least
38 six consecutive months; or, in the case of a child less
39 than six months old, the state in which the child lived
40 from birth with any of the persons mentioned. Periods
41 of temporary absence of any of the named persons are
42 counted as part of the six-month or other period;

43 (5) "Initial decree" means the first custody
44 decree concerning a particular child;

45 (6) "Litigant" means a person, including a
46 parent, grandparent, or step-parent, who claims a right
47 to custody or visitation with respect to a child.]

48 [452.450. 1. A court of this state which is

competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child's home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

(b) It is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse, or is otherwise being neglected; or

(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with subdivision (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

2. Except as provided in subdivisions (3) and (4) of subsection 1 of this section, physical presence of the child, or of the child and one of the litigants, in this state is not sufficient alone to confer jurisdiction on a court of this state to make a child custody determination.

3. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.]

[452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original

1 proceeding.

2 2. Before making a decree under the provisions of
3 section 452.410, or sections 452.440 to 452.450, the
4 litigants, any parent whose parental rights have not
5 been previously terminated, and any person who has
6 physical custody of the child must be served in the
7 manner provided by the rules of civil procedure and
8 applicable court rules and may within thirty days after
9 the date of service (forty-five days if service by
10 publication) file a verified answer. If any of these
11 persons is outside this state, notice and opportunity
12 to be heard shall be given pursuant to section 452.460.

13 3. In any case in which the paternity of a child
14 has been determined by a court of competent
15 jurisdiction and where the noncustodial parent is
16 delinquent in the payment of child support in an amount
17 in excess of ten thousand dollars, the custodial parent
18 shall have the right to petition a court of competent
19 jurisdiction for the termination of the parental rights
20 of the noncustodial parent.

21 4. When a person filing a petition for
22 modification of a child custody decree owes past due
23 child support to a custodial parent in an amount in
24 excess of ten thousand dollars, such person shall post
25 a bond in the amount of past due child support owed as
26 ascertained by the division of child support
27 enforcement or reasonable legal fees of the custodial
28 parent, whichever is greater, before the filing of the
29 petition. The court shall hold the bond in escrow
30 until the modification proceedings pursuant to this
31 section have been concluded wherein such bond shall be
32 transmitted to the division of child support
33 enforcement for disbursement to the custodial parent.】

34 [452.460. 1. The notice required for the
35 exercise of jurisdiction over a person outside this
36 state shall be given in a manner reasonably calculated
37 to give actual notice, and may be given in any of the
38 following ways:

39 (1) By personal delivery outside this state in
40 the manner prescribed for service of process within
41 this state;

42 (2) In the manner prescribed by the law of the
43 place in which the service is made for service of
44 process in that place in an action in any of its courts
45 of general jurisdiction;

46 (3) By certified or registered mail; or

47 (4) As directed by the court, including
48 publication, if any other means of notification are
49 ineffective.

50 2. Proof of service outside this state may be

1 made by affidavit of the individual who made the
2 service, or in the manner prescribed by the law of this
3 state, the order pursuant to which the service is made,
4 or the law of the place in which the service is made.
5 If service is made by mail, proof of service may be a
6 receipt signed by the addressee or other evidence of
7 delivery to the addressee.

8 3. The notice provided for in this section is not
9 required for a person who submits to the jurisdiction
10 of the court.]

11 [452.465. 1. A court of this state shall not
12 exercise its jurisdiction under sections 452.440 to
13 452.550 if, at the time of filing the petition, a
14 proceeding concerning the custody of the child was
15 pending in a court of another state exercising
16 jurisdiction substantially in conformity with sections
17 452.440 to 452.550, unless the proceeding is stayed by
18 the court of that other state for any reason.

19 2. Before hearing the petition in a custody
20 proceeding, the court shall examine the pleadings and
21 other information supplied by the parties under section
22 452.480 and shall consult the child custody registry
23 established under section 452.515 concerning the
24 pendency of proceedings with respect to the child in
25 other states. If the court has reason to believe that
26 proceedings may be pending in another state, it shall
27 direct an inquiry to the state court administrator or
28 other appropriate official of that state.

29 3. If the court is informed during the course of
30 the proceeding that a proceeding concerning the custody
31 of the child was pending in another state before the
32 court assumed jurisdiction, it shall stay the
33 proceeding and communicate with the court in which the
34 other proceeding is pending in order that the issue may
35 be litigated in the more appropriate forum and that
36 information may be exchanged in accordance with
37 sections 452.530 to 452.550. If a court of this state
38 has made a custody decree before being informed of a
39 pending proceeding in a court of another state, it
40 shall immediately inform that court of the fact. If
41 the court is informed that a proceeding was commenced
42 in another state after it assumed jurisdiction, it
43 shall likewise inform the other court in order that the
44 issues may be litigated in the more appropriate forum.]

45 [452.470. 1. A court which has jurisdiction
46 under this act to make an initial or modification
47 decree may decline to exercise its jurisdiction any
48 time before making a decree if it finds that it is an
49 inconvenient forum to make a custody determination

1 under the circumstances of the case and that a court of
2 another state is a more appropriate forum.

3 2. A finding that a court is an inconvenient
4 forum under subsection 1 above may be made upon the
5 court's own motion or upon the motion of a party or a
6 guardian ad litem or other representative of the child.
7 In determining if it is an inconvenient forum, the
8 court shall consider if it is in the interest of the
9 child that another state assume jurisdiction.

10 3. Before determining whether to decline or
11 retain jurisdiction the court may communicate with a
12 court of another state and exchange information
13 pertinent to the assumption of jurisdiction by either
14 court, with a view to assuring that jurisdiction will
15 be exercised by the more appropriate court and that a
16 forum will be available to the parties.

17 4. If the court finds that it is an inconvenient
18 forum and that a court of another state is a more
19 appropriate forum, it may dismiss the proceedings, or
20 it may stay the proceedings upon condition that a
21 custody proceeding be promptly commenced in another
22 named state or upon any other conditions which may be
23 just and proper, including the condition that a moving
24 party stipulate his consent and submission to the
25 jurisdiction of the other forum.

26 5. The court may decline to exercise its
27 jurisdiction under this act if a custody determination
28 is incidental to an action for dissolution of marriage
29 or another proceeding while retaining jurisdiction over
30 the dissolution of marriage or other proceeding.

31 6. If it appears to the court that it is clearly
32 an inappropriate forum, it may require the party who
33 commenced the proceedings to pay, in addition to the
34 costs of the proceedings in this state, necessary
35 travel and other expenses, including attorneys' fees,
36 incurred by other parties or their witnesses. Payment
37 is to be made to the clerk of the court for remittance
38 to the proper party.

39 7. Upon dismissal or stay of proceedings under
40 this section, the court shall inform the court found to
41 be the more appropriate forum of this fact or, if the
42 court which would have jurisdiction in the other state
43 is not certainly known, shall transmit the information
44 to the court administrator or other appropriate
45 official for forwarding to the appropriate court.

46 8. Any communication received from another state
47 informing this state of a finding that a court of this
48 state is the more appropriate forum shall be filed in
49 the custody registry of the appropriate court. Upon
50 assuming jurisdiction the court of this state shall
51 inform the original court of this fact.]

1 [452.475. 1. If the petitioner for an initial
2 decree has wrongfully taken the child from another
3 state or has engaged in similar reprehensible conduct,
4 the court may decline to exercise jurisdiction if this
5 is just and proper under the circumstances.

6 2. Unless required in the interest of the child,
7 the court shall not exercise its jurisdiction to modify
8 a custody decree of another state if the petitioner,
9 without consent of the person entitled to custody, has
10 improperly removed the child from the physical custody
11 of the person entitled to custody or has improperly
12 retained the child after a visit or other temporary
13 relinquishment of physical custody. If the petitioner
14 has violated any other provision of a custody decree of
15 another state, the court may decline to exercise its
16 jurisdiction if this is just and proper under the
17 circumstances.

18 3. In appropriate cases a court dismissing a
19 petition under this section may charge the petitioner
20 with necessary travel and other expenses, including
21 attorneys' fees, incurred by other parties or their
22 witnesses.]

23 [452.480. 1. In his first pleading, or in an
24 affidavit attached to that pleading, every party in a
25 custody proceeding shall give information under oath as
26 to the child's present address, with whom the child is
27 presently living and with whom and where the child
28 lived, other than on a temporary basis, within the past
29 six months. In this pleading or affidavit every party
30 shall further declare under oath whether:

31 (1) He has participated in any capacity in any
32 other litigation concerning the custody of the same
33 child in this or any other state;

34 (2) He has information of any custody proceeding
35 concerning the child pending in a court of this or any
36 other state; and

37 (3) He knows of any person not a party to the
38 proceedings who has physical custody of the child or
39 claims to have custody or visitation rights with
40 respect to the child.

41 2. If the declaration as to any of the items
42 listed in subdivisions (1) through (3) of subsection 1
43 above is in the affirmative, the declarant shall give
44 additional information under oath as required by the
45 court. The court may examine the parties under oath as
46 to details of the information furnished and as to other
47 matters pertinent to the court's jurisdiction and the
48 disposition of the case.

49 3. Each party has a continuing duty to inform the
50 court of any change in information required by

subsection 1 of this section.]

[452.485. If the court learns from information furnished by the parties pursuant to section 452.480 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it may order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 452.460.]

[452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding pursuant to this chapter, upon the filing of a written application by any party within ten days of appointment. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if

1 such guardian ad litem were a party. The court shall
2 enter judgment allowing a reasonable fee to the
3 guardian ad litem.

4 5. The court shall appoint a guardian ad litem in
5 any proceeding in which child abuse or neglect is
6 alleged.]

7 [452.495. A custody decree rendered by a court of
8 this state which had jurisdiction under section 452.450
9 binds all parties who have been served in this state or
10 notified in accordance with section 452.460, or who
11 have submitted to the jurisdiction of the court, and
12 who have been given an opportunity to be heard. As to
13 these parties the custody decree is conclusive as to
14 all issues of law and fact decided and as to the
15 custody determination made, unless and until that
16 determination is modified pursuant to law, including
17 the provisions of section 452.410 and sections 452.440
18 to 452.550.]

19 [452.500. The courts of this state shall
20 recognize and enforce an initial or modification decree
21 of a court of another state which had assumed
22 jurisdiction under statutory provisions substantially
23 in accordance with sections 452.440 to 452.550, or
24 which was made under factual circumstances meeting the
25 jurisdictional standards of sections 452.440 to
26 452.550, so long as this decree has not been modified
27 in accordance with jurisdictional standards
28 substantially similar to those of sections 452.440 to
29 452.550.]

30 [452.505. If a court of another state has made a
31 custody decree, a court of this state shall not modify
32 that decree unless it appears to the court of this
33 state that the court which rendered the decree does not
34 now have jurisdiction under jurisdictional
35 prerequisites substantially in accordance with sections
36 452.440 to 452.550 or has declined to assume
37 jurisdiction to modify the decree and the court of this
38 state has jurisdiction.]

39 [452.510. 1. A certified copy of a custody
40 decree of another state may be filed in the office of
41 the clerk of any circuit court of this state. The
42 clerk shall treat the decree in the same manner as a
43 custody decree of the circuit court of this state. A
44 custody decree so filed has the same effect and shall
45 be enforced in like manner as a custody decree rendered
46 by a court of this state.

1 2. A person violating a custody decree of another
2 state which makes it necessary to enforce the decree in
3 this state may be required to pay necessary travel and
4 other expenses, including attorneys' fees, incurred by
5 the party entitled to the custody or his witnesses.】

6 【452.515. The clerk of each circuit court shall
7 maintain a registry in which he shall enter the
8 following:

9 (1) Certified copies of custody decrees of other
10 states received for filing;

11 (2) Communications as to the pendency of custody
12 proceedings in other states;

13 (3) Communications concerning findings of
14 inconvenient forum under section 452.470 by a court of
15 another state; and

16 (4) Other communications or documents concerning
17 custody proceedings in another state which in the
18 opinion of the circuit judge may affect the
19 jurisdiction of a court of this state or the
20 disposition to be made by it in a custody proceeding.】

21 【452.520. The clerk of the circuit court of this
22 state, at the request of the court of another state or
23 at the request of any person who is affected by or has
24 a legitimate interest in a custody decree, may, upon
25 payment therefor, certify and forward a copy of the
26 decree to that court or person.】

27 【452.525. In addition to other procedural devices
28 available to a party, any party to the proceeding or a
29 guardian ad litem or other representative of the child
30 may obtain the testimony of witnesses, including
31 parties and the child, by deposition or otherwise, in
32 another state. The court on its own motion may direct
33 that the testimony of a person be taken in another
34 state and may prescribe the manner in which and the
35 terms upon which the testimony shall be taken.】

36 【452.530. 1. A court of this state may request
37 the appropriate court of another state to hold a
38 hearing to obtain evidence, to order persons within
39 that state to produce or give evidence under other
40 procedures of that state, or to have social studies
41 made with respect to the custody of a child involved in
42 proceedings pending in the court of this state; and to
43 forward to the court of this state certified copies of
44 the transcript of the record of the hearing, the
45 evidence otherwise obtained, or any social studies
46 prepared in compliance with the request. The cost of

1 the services may be assessed against the parties.

2 2. A court of this state may request the
3 appropriate court of another state to order a party to
4 custody proceedings pending in the court of this state
5 to appear in the proceedings and, if that party has
6 physical custody of the child, to appear with the
7 child. The request may state that travel and other
8 necessary expenses of the party and of the child whose
9 appearance is desired will be assessed against the
10 appropriate party.]

11 [452.535. 1. Upon request of the court of
12 another state, the courts of this state which are
13 competent to hear custody matters may order a person in
14 this state to appear at a hearing to obtain evidence or
15 to produce or give evidence under other procedures
16 available in this state for use in a custody proceeding
17 in another state. A certified copy of the transcript
18 of the record of the hearing or the evidence otherwise
19 obtained may, in the discretion of the court and upon
20 payment therefor, be forwarded to the requesting court.

21 2. A person within this state may voluntarily
22 give his testimony or statement in this state for use
23 in a custody proceeding outside this state.

24 3. Upon request of the court of another state, a
25 competent court of this state may order a person in
26 this state to appear alone or with the child in a
27 custody proceeding in another state. The court may
28 condition compliance with the request upon assurance by
29 the other state that travel and other necessary
30 expenses will be advanced or reimbursed.]

31 [452.540. In any custody proceeding in this state
32 the court shall preserve the pleadings, orders and
33 decrees, any record that has been made of its hearings,
34 social studies, and other pertinent documents until the
35 child reaches eighteen years of age. When requested by
36 the court of another state the court may, upon payment
37 therefor, forward to the other court certified copies
38 of any or all of such documents.]

39 [452.545. If a custody decree has been rendered
40 in another state concerning a child involved in a
41 custody proceeding pending in a court of this state,
42 the court of this state, upon taking jurisdiction of
43 the case, shall request of the court of the other state
44 a certified copy of the transcript of any court record
45 and other documents mentioned in section 452.540.]

1 [452.550. Upon the request of a party to a
2 custody proceeding which raises a question of existence
3 or exercise of jurisdiction under sections 452.440 to
4 452.550, determination of jurisdiction shall be given
5 calendar priority and handled expeditiously.]
6

7 [483.260. The clerk of the circuit court of the
8 city of St. Louis may employ an attorney or attorneys
9 to aid and advise him in the discharge of his duties,
10 to render independent legal advice and services and to
11 represent him in court. The attorneys employed by the
12 clerk shall receive in the aggregate as compensation
13 for their services twenty-five thousand dollars per
14 annum, payable out of the state treasury in
15 installments as certified by the circuit clerk.]

16 √
